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U.S. Department of Homeland Security  
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Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

H13

FILE [REDACTED] Office: CIUDAD JUAREZ, MEXICO  
(CDJ 2004 754 159 relates)

Date: 05 2009

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Waiver of Grounds of Inadmissibility under section 212(a)(9)(B)(v) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(9)(B)(v)

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

A handwritten signature in black ink, appearing to read "John F. Grissom".

John F. Grissom, Acting Chief  
Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the Officer in Charge, Ciudad Juarez, Mexico, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant is a native and citizen of Mexico who, pursuant to the record, admitted on October 12, 2005 to a consular officer that she had entered the United States without inspection in April 2001 and had remained until October 2005, when she voluntarily departed the United States. The applicant was thus found to be inadmissible to the United States under section 212(a)(9)(B)(i)(II) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(B)(i)(II), for having been unlawfully present in the United States for more than one year. She seeks a waiver of inadmissibility pursuant to section 212(a)(9)(B)(v) of the Act, 8 U.S.C. § 1182(a)(9)(B)(v), in order to be able to reside in the United States with her U.S. citizen spouse.

The officer in charge determined that as no evidence of hardship had been submitted by the applicant and/or her U.S. citizen spouse with the Application for Waiver of Grounds of Excludability (Form I-601), the applicant had failed to establish that extreme hardship would be imposed on a qualifying relative. The Form I-601 was denied accordingly. *Decision of the Officer in Charge*, dated June 5, 2006.

The applicant submitted the Form I-290B, Notice of Appeal (Form I-290B) to the Administrative Appeals Office on June 12, 2006. On the Form I-290B, the applicant stated that she desired to appeal the decision as “my husband did explain the hardship in an affidavit which he attached to my I-601....” *See Form I-1290B*, dated June 12, 2006.

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. 8 C.F.R. § 103.3(a)(1)(v).

No evidence of hardship was presented with the initial Form I-601, as asserted by the officer in charge in his decision and contrary to the applicant’s assertion, nor on appeal, to overcome the decision of the officer in charge. The appeal will be summarily dismissed as the applicant has failed to specifically identify any erroneous conclusion of law or statement of fact for the appeal in accordance with 8 C.F.R. § 103.3(a)(1)(v).

In proceedings for application for waiver of grounds of inadmissibility under § 212(a)(9)(B)(v) of the Act, the burden of proving eligibility remains entirely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. Here, the applicant has not met that burden.

**ORDER:** The appeal is summarily dismissed.