

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

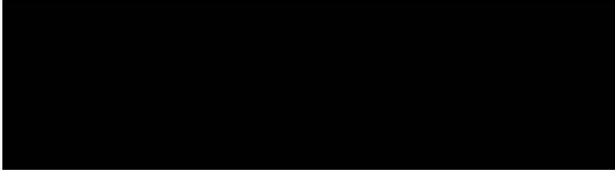
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

H4



FILE:

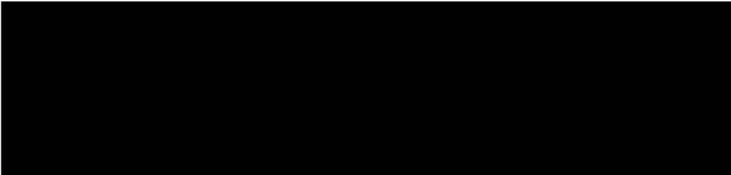
Office: MEXICO CITY (CIUDAD JUAREZ) Date: APR 06 2009

IN RE:



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

ON BEHALF OF APPLICANT:



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).

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The District Director, Mexico City, Mexico, denied the instant waiver application. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The district director found that the applicant had been unlawfully present in the United States for more than a year¹ and is therefore inadmissible pursuant to section 212(a)(9)(B)(i) of the Act. The district director also found that the applicant had failed to establish extreme hardship to his U.S. citizen spouse and children, and denied the waiver application.

Counsel submitted a Form I-290B appeal in this matter. In the section reserved for the reason for filing the appeal, counsel inserted, "Brief and Supporting Documents will be sent within 30 days." No other information, argument, or evidence accompanied the appeal. Despite the passage of more than two years, counsel still has provided no additional evidence or argument.

Counsel's statement on appeal contains no assignment of error. Merely implying that the director erred in some unspecified way is an insufficient basis for an appeal.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part: "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."

Counsel has failed to identify an erroneous conclusion of law or a statement of fact as a basis for the appeal and the appeal must be summarily dismissed.

ORDER: The appeal is summarily dismissed.

¹ In an apparent typographical error, the director stated that the applicant had been illegally present from February 2000 to October 2000, which the director characterized as a period exceeding a year. The Form I-130, Petition for Alien Relative, in this matter states that the applicant entered the United States without inspection on February 10, 2000. The applicant's wife signed that application. On a DS-230, Application for Immigrant Visa and Alien Registration, the applicant stated that he lived in Santa Paula, California from February 2000, when he entered without inspection, through October 13, 2005, when he signed that form. In a G-325A Biographic Information form, the applicant provided the three addresses in Santa Paula where he lived from February 2000 through October 14, 2005, when he signed that letter. On the Form I-601, Application for Waiver of Inadmissibility, the applicant stated that he lived in Santa Paula, California, from February 2000 when he entered the United States without inspection, until October 2005, when he signed that form. On October 14, 2005, the applicant submitted his visa at Ciudad Juarez, Mexico, indicating that he had then departed the United States. The evidence is clear that the applicant entered the United States unlawfully during February 2000 and was unlawfully present in the United States from then until October 2005, when he departed.