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



U.S. Citizenship  
and Immigration  
Services

H5

[REDACTED]

FILE: [REDACTED] Office: LOS ANGELES Date:

**AUG 06 2010**

IN RE: Applicant: [REDACTED]

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

ON BEHALF OF APPLICANT:

[REDACTED]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

[REDACTED]

Chief, Administrative Appeals Office



**DISCUSSION:** The waiver application was denied by the Field Office Director, Los Angeles, California, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant is a native and citizen of Mexico who was found to be inadmissible to the United States under section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for seeking to procure admission into the United States by willful misrepresentation. The applicant seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to remain in the United States with her spouse and children.

Upon review, the applicant has not paid the proper fee amount for a Form I-290B appeal. Specifically, the record reflects that the applicant paid \$110, while the correct filing fee is \$585, as provided in 8 C.F.R. § 103.7.

The AAO observes that, on the first page of his decision to deny the waiver application, the Field Office Director stated that the fee for filing an appeal is \$110. Yet, on the third page the Field Office Director indicated that the correct fee is \$585. The record indicates that on April 9, 2010 the Los Angeles Field Office rejected the applicant's appeal and returned the applicant's payments of \$110 and \$585 with a request that the applicant re-file with the appropriate fee. Correspondence from counsel shows that he resubmitted a payment of \$110, with a request that the Field Office Director clarify whether the filing fee is \$110 or \$585. The record does not show that the Field Office Director responded to counsel's request for clarification. On April 20, 2010, the \$110 payment was accepted as a fee for the Form I-290B filing.

The regulation at 8 C.F.R. § 103.3(a)(2)(i) states: "The affected party shall file an appeal on Form I-290B. Except as otherwise provided in this chapter, the affected party must pay the fee required by § 103.7 of this part." As discussed above, the applicant has paid \$110 for the Form I-290B appeal, yet the correct fee is \$585. 8 C.F.R. § 103.7. The AAO lacks discretion to waive the requirement of 8 C.F.R. § 103.3(a)(2)(i) to pay the correct fee provided in 8 C.F.R. § 103.7. Accordingly, the appeal must be rejected.

**ORDER:** The appeal is rejected.

