

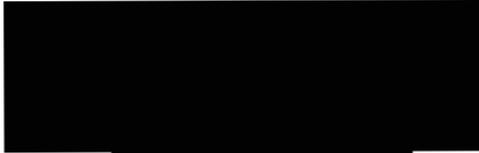
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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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HS

FILE:



Office: SAN ANTONIO, TX

Date:

MAR 29 2010

IN RE:



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

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).


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the District Director, San Antonio, Texas. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The record reflects that the applicant is a native and citizen of Mexico. The record shows that the applicant entered the United States without inspection in July 1998, was convicted of illegal entry into the United States and was subsequently removed from the United States on October 29, 1998. The record further shows that on October 17, 2001, the applicant was interviewed for an immigrant visa in Ciudad Juarez, Mexico, and stated under oath that he had never been removed from the United States and had never been convicted of any offense. Based on these facts, the district director found that the applicant was inadmissible to the United States pursuant to section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for entering the United States by willful misrepresentation of a material fact. The applicant now seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to reside with his lawful permanent resident parents in the United States.

The district director found that the applicant “failed to provide any evidence, or even an unsupported explanation” to establish extreme hardship to a qualifying relative and denied the waiver application accordingly. *Decision of the District Director*, dated March 27, 2007.

On appeal, in response to the question “state the reason(s) for this appeal,” counsel stated:

It was wrong based on the law and the facts in this case to deny this waiver. Since we were just now hired as the attorneys, under the Freedom of Information Act [FOIA] we request a copy of the complete immigration file and 30 days from receipt of same in which to submit our brief.

Notice of Appeal to the Administrative Appeals Office (AAO) (Form I-290B), dated April 18, 2007.

The record shows that the applicant’s FOIA request was processed on March 20, 2009. However, to date, over a year later, the AAO has received nothing further in support of the appeal.

8 C.F.R. § 103.3(a)(v) states in pertinent part:

(v) *Summary dismissal.* 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.

The applicant’s appeal fails to specifically identify any erroneous conclusion of law or statement of fact in the district director’s decision. The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.