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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



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Date: **AUG 29 2011**

Office: MIAMI, FLORIDA

FILE:



IN RE:

Applicant:



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:

SELF-REPRESENTED

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.

Thank you,

A handwritten signature in black ink, appearing to read "Perry Rhew".

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the District Director, Miami, Florida and a subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The applicant made a motion to reopen or reconsider. The motion will be rejected as improperly filed.

In order to properly file a motion to reopen or reconsider, the regulation at 8 C.F.R. § 103.5(a)(1)(iii) provides that the affected party must file a motion using Form I-290B, Notice of Appeal to the Administrative Appeals Office, with the office that originally decided the waiver application. The record indicates that the AAO issued a decision on March 3, 2009. Counsel for the applicant sent a motion to reopen or reconsider via Express Mail with a delivery date of April 2, 2009, directly to the AAO. In addition to the applicant sending the motion to reopen and reconsider to the incorrect office, the Form I-290B was not included. Accordingly, the appeal has not been properly filed. The district director erroneously annotated the motion as properly filed and forwarded the matter to the AAO.

Neither the Act nor the pertinent regulations grant the AAO authority to accept a motion to reopen or reconsider without the corresponding Form I-290B, Notice of Appeal. As the motion was improperly filed, the motion must be rejected.

ORDER: The motion is rejected.