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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

715

[Redacted]

FILE:

[Redacted]

Office: BALTIMORE, MARYLAND Date:

IN RE:

Applicant:

[Redacted]

FEB 28 2011

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.

Thank you,

Maria Feh

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Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the District Director, Baltimore, Maryland, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected as improperly filed.

In order to properly file an appeal, the regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that the affected party must file an appeal using Form I-290B, Notice of Appeal to the Administrative Appeals Office, with the office where the unfavorable decision was made. The record indicates that the district director issued the decision on July 6, 2009. Counsel for the applicant sent an appeal brief via Federal Express Priority Overnight on August 10, 2009, thirty-five days after the date of the decision, to the office that issued the unfavorable decision requesting an appeal. However, the Form I-290B was not included. Accordingly, the appeal has not been properly filed. The district director erroneously annotated the appeal as properly filed and forwarded the matter to the AAO.

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

ORDER: The appeal is rejected. The matter is returned to the director for consideration as a motion to reconsider.