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U.S. Department of Homeland Security  
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: Office: PHILADELPHIA, PENNSYLVANIA

**JUN 01 2011**

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.

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 \$630. 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,

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 Field Office Director, Philadelphia, Pennsylvania, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant is a 43-year-old native and citizen of Nigeria who was found to be 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 procuring entry into the United States through fraud or the willful misrepresentation of a material fact: to wit, the applicant twice misrepresented her marital status to a consular officer in order to obtain a non-immigrant visa, which she used to enter the United States. The record reflects that the applicant is married to a United States citizen and is the beneficiary of an approved Petition for Alien Relative (Form I-130) filed on her behalf. The applicant seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, U.S.C. § 1182(i), in order to reside in the United States with her spouse and children.

The Field Office Director found that the applicant failed to establish extreme hardship to a qualifying relative, and denied the Application for Waiver of Grounds of Inadmissibility (Form I-601) accordingly. *Decision of the Field Office Director*, dated November 7, 2008.

On appeal, counsel asserts that the director failed to properly consider all the evidence of extreme hardship, including that the removal of the applicant will render her United States citizen spouse a single parent for their minor children, and that the director failed to consider the evidence of extreme hardship in the aggregate, violating the basic principles of Board of Immigration Appeals (BIA) law with regards to adjudication of the waiver. *See Form I-290B, Notice of Appeal*, dated November 25, 2008. Counsel indicated on the Form I-290B that he will submit a brief and/or additional evidence to the AAO within 30 days. On April 12, 2011, the AAO sent a request to counsel to submit a brief and/or additional evidence as indicated. On April 13, 2011, the AAO received a letter stating that counsel of record in this case no longer works for the firm. No other information was provided with regards to any other representative for the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states that the AAO "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." In this case, counsel made very general statements and did not provide any specific erroneous conclusion of law or statement of facts as stated in 8 C.F.R. § 103.3(a)(1). Inasmuch as the counsel has failed to specifically articulate any erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence in support of the waiver application. Nor has he adequately addressed the grounds stated for denial.

Section 291 of the Act, 8 U.S.C. § 1361, provides that the burden of proof is on the applicant to establish eligibility for the benefit sought. Here, the applicant has not met that burden. Accordingly, the appeal will be summarily dismissed.

**ORDER:** The appeal is summarily dismissed.