



U.S. Citizenship
and Immigration
Services

[REDACTED]

#5

Date: DEC 24 2012

Office: NEW YORK

FILE: [REDACTED]

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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

f> Ron Rosenberg
Acting Chief, Administrative Appeals Office

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

The applicant is a native and citizen of Yemen 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 attempting to procure an immigration benefit in United States through fraud or misrepresentation. In 2001, the applicant attempted to adjust his status to a permanent resident alien using the identity of another person. The applicant does not contest this finding of inadmissibility, but rather seeks a waiver of inadmissibility pursuant to section 212(i) of the Act to reside in the United States with his U.S. Citizen spouse.

In a decision dated August 26, 2011, the District Director found that the applicant failed to establish that his qualifying relative would experience extreme hardship as a consequence of his inadmissibility. The application was denied accordingly. *See Decision of the District Director, August 26, 2011.*

On appeal, the applicant's counsel stated that the USCIS decision was arbitrary, capricious, and constituted an abuse of administrative discretion, and stated that the applicant had submitted sufficient documentary evidence and testimonial evidence to establish that his qualifying relative would suffer extreme hardship if the waiver application is denied. Counsel stated that a brief and/or additional evidence would be submitted to the AAO within 30 days. *Form I-290B, Notice of Appeal or Motion (Form I-290B)*, dated September 15, 2011. However, the AAO notes that no brief and/or additional documents were received, thus the record is considered complete.

8 C.F.R. § 103.3(a)(1) 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 AAO finds that the applicant's appeal fails to 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.