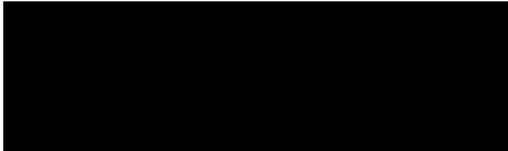


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invasion of personal privacy

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals
20 Massachusetts Ave. N.W. MS 2090
Washington, D.C. 20529-2090
**U.S. Citizenship
and Immigration
Services**



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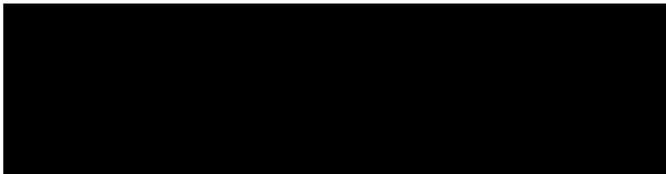
DATE: **JAN 17 2012** OFFICE: SAN BERNARDINO, CALIFORNIA

FILE:

IN RE: Applicant:

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

ON BEHALF OF APPLICANT:



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,

Perry Rhew,
Chief, Administrative Appeals Office

DISCUSSION: The Field Office Director, San Bernardino, California, denied the waiver application (Form I-601) and it is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Mexico who was found to be inadmissible to the United States under section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for seeking to procure a visa, other documentation, or admission into the United States or other benefit provided under the Act by fraud or willful misrepresentation. The applicant seeks a waiver of inadmissibility in order to reside in the United States.

The Field Office Director concluded that the applicant has no qualifying relative(s) from whom to claim eligibility for a waiver and denied the Application for Waiver of Grounds of Inadmissibility (Form I-601) accordingly. *Decision of the Field Office Director*, dated July 30, 2009.

On appeal, counsel asserts: "Visa is currently unavailable for husband who is the primary beneficiary of this I-140 but should become available again by the next following months. This case should be pending upon that outcome (husband's adjustment). Therefore, she can have a qualifying relative." See *Form I-290B*, Notice of Appeal or Motion, dated July 6, 2009.

By counsel's own assertion, the applicant's spouse was not a qualifying relative under the Act when the Form I-601 was filed or denied. There is no indication in the record that a visa subsequently became available or that the applicant's spouse has adjusted his immigration status. No additional evidence or information has been submitted and the appeal does not dispute or otherwise address the grounds upon which the applicant's application for waiver of grounds of inadmissibility was denied.¹

8 C.F.R. § 103.3(a)(1)(v) states in pertinent part:

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 field office director's decision. The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.

¹ Counsel for the applicant indicated on the Form I-290B that he would submit a brief and/or additional evidence to this office within 30 days of filing the appeal. No such brief or evidence appears in the record. Counsel was contacted by this office on December 22, 2011 and a copy of the brief and/or additional evidence was requested. Counsel did not respond to this request.