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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**



**PUBLIC COPY**



HS

Date: **MAR 29 2012**

Office: SANTA ANA

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:



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

fs/

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the Field Office Director, Santa Ana, California. 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 Mexico who attempted to procure entry to the United States in February 1999 by presenting a fraudulent nonimmigrant visa. Consequently, the applicant was expeditiously removed on February 21, 1999. Shortly thereafter, the applicant entered the United States without being admitted. The record indicates that the applicant has not departed the United States since 1999. The applicant was thus found to be inadmissible to the United States pursuant to section 212(a)(6)(C)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(6)(C)(i), for having attempted to procure entry to the United States by fraud or willful misrepresentation. In addition, as a result of the applicant's removal and subsequent entry without being admitted, the applicant was found to be inadmissible under section 212(a)(9)(C)(i)(II) of the Act, 8 U.S.C. § 1182(a)(9)(C)(i)(II). The applicant does not contest the field office director's findings of inadmissibility. Rather, she seeks a waiver of inadmissible under section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to reside in the United States with her U.S. citizen spouse and children.

The field office director concluded that as no waiver is available under section 212(a)(9)(C) of the Act, no purpose would be served in adjudicating a waiver under section 212(i) of the Act. The Application for Waiver of Grounds of Inadmissibility (Form I-601) was denied accordingly. *Decision of the Field Office Director*, dated August 5, 2009.

On appeal, counsel for the applicant indicated he would file a brief and/or additional evidence with the AAO within 30 days. *Form I-290B, Notice of Appeal or Motion (Form I-290B)*, dated May 18, 2009. In a separate letter, dated September 2, 2009, counsel requested "additional time for the submission of the brief or other documents..." See *Letter from [REDACTED], Esq.*, dated September 2, 2009. Pursuant to 8 C.F.R. § 103.3(a)(2)(vii) and (viii), an affected party may request additional time to file a brief, which is to be submitted directly to the AAO. The AAO has not received any additional documents at this time, more than two years after the appeal submission, nor were any statements made on the Form I-290B regarding the denial of the applicant's Form I-601.

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 Field Office Director's decision. The appeal is therefore summarily dismissed.

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