



U.S. Citizenship
and Immigration
Services

[REDACTED]

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DATE: 1/05/2012 Office: SANTA ANA, CALIFORNIA [REDACTED]

IN RE: [REDACTED]

APPLICATION: Application for Waiver of Grounds of Inadmissibility pursuant to 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 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,

Ron Rosenberg
Acting 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 Brazil 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 seeking to procure a visa, other documentation, or admission into the United States or other benefit provided under the Act by willful misrepresentation.

The applicant is the beneficiary of an approved Petition for Alien Relative and seeks a waiver of inadmissibility pursuant to section 212(i) of the Act in order to reside in the United States with her United States Citizen spouse.

The Field Office Director found that the applicant failed to establish extreme hardship to her U.S. citizen spouse and denied the Form I-601, Application for Waiver of Grounds of Inadmissibility (Form I-601), accordingly. See *Decision of Field Office Director* dated July 8, 2011.

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 August 4, 2011. 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, and the record is considered complete. On Form I-290B, counsel states that “The USCIS erred in finding the applicant was inadmissible pursuant to 212(c)(6)(C)(i)”, and “The USCIS erred in finding that the applicant did not establish her [United States citizen] husband would suffer an extreme hardship if her waiver is not granted.” Counsel does not specifically discuss the Field Office Director’s decision or specifically identify erroneous conclusions of fact. Counsel does not discuss the Field Office Director’s legal analysis, and misstates the section of law under which the applicant was found inadmissible.¹

The regulation at 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.

¹ The applicant was found inadmissible under section 212(a)(6)(C)(i) of the Act, yet counsel references section 212(c)(6)(C)(i) which does not exist.