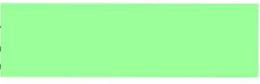


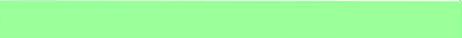


**U.S. Citizenship  
and Immigration  
Services**

(b)(6)

DATE: **APR 19 2013** Office: SAN BERNARDINO, CA

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 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 "Ron Rosenberg", with a long, sweeping underline.

Ron Rosenberg,  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the Field Office Director, San Bernardino, California, and appealed to the Administrative Appeals Office (AAO). The appeal was dismissed by the AAO. The applicant submitted a motion to reopen and reconsider, which is now before the AAO. The motion to reopen and reconsider will be dismissed.

The applicant is a native and a citizen of Jamaica 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 having sought a benefit under the Act through fraud or willful misrepresentation of a material fact. He is the spouse of a U.S. citizen and has a U.S. citizen son and stepson. The applicant is seeking a waiver under section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to reside in the United States.

The Field Office Director concluded that the applicant had failed to establish that the bar to his admission would impose extreme hardship on a qualifying relative, his U.S. citizen spouse, and denied the Application for Waiver of Grounds of Inadmissibility (Form I-601) on May 13, 2010. The applicant submitted an appeal, which the AAO denied because the applicant had failed to submit sufficient evidence to demonstrate extreme hardship to a qualifying relative.

On motion, the applicant's spouse repeats previous assertions of extreme hardship and submits country conditions materials in support of his assertions.

The record contains documents previously considered on appeal, as well as two additional documents pertaining to country conditions that were submitted on motion. The entire record was reviewed and all relevant evidence considered in rendering this decision.

A motion to reopen must state the new facts to be proved in the reopened proceeding and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). A motion to reconsider must: (1) state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or USCIS policy; and (2) establish that the decision was incorrect based on the evidence of record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3).

The applicant submitted a statement which repeats his prior assertions of financial hardship upon relocation to Jamaica. In its previous decision the AAO discussed the conditions in Jamaica and noted a general lack of evidence in the record supporting assertions of medical and financial hardship. As a result of these deficiencies the AAO dismissed the appeal for failure to establish extreme hardship.

On motion, the applicant's spouse has submitted two documents relating generally to conditions in Jamaica. While the applicant's spouse states the reason for the motion is that he is experiencing extreme hardship, it is not supported by precedent decisions or other evidence establishing that the decision was based on an incorrect application of law or USCIS policy, and it does not articulate or

otherwise demonstrate that the decision of the AAO was incorrect based on the evidence in the record at the time of the decision.

Based on these observations, the AAO does not find that this motion meets the requirements of a motion to reopen or reconsider.

**ORDER:** The motion is dismissed.