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

(b)(6)

U.S. Citizenship and Immigration Services

DATE: AUG 0 1 2013 Office: PHOENIX File:

IN RE: Applicant:

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

ON BEHALF OF APPLICANT:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at http://www.uscis.gov/forms for the latest information on fee, filing location, and other requirements.** *See also* 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Field Office Director, Phoenix, Arizona, denied the waiver application, which is now before the AAO on appeal. The appeal will be summarily dismissed.

The applicant is a native and a 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 procuring or attempting to procure an immigration benefit by fraud or misrepresentation. The applicant is the beneficiary of an approved Petition for Alien Relative (Form I-130) filed by her daughter and seeks a waiver of inadmissibility in order to continue residing here.

The field office director found that the applicant failed to establish having the qualifying relative required under section 212(i) of the Act and denied the Application for Waiver of Grounds of Inadmissibility (Form I-601), accordingly. *Decision of the Field Office Director,* August, 25, 2010.

On appeal, filed on September 15, 2010 and received by the AAO on March 4, 2013, counsel for the applicant indicated he would file a brief and/or additional evidence with the AAO within 30 days. *See Notice of Appeal or Motion (Form I-290B),* September 14, 2010. 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, nor were any statements made on the Form I-290B regarding the denial of the applicant's Form I-601 that specifically identify a legal or factual error.

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.

Counsel asserts on the Form I-290B that USCIS erred in finding the applicant lacked a qualifying relative and states that she has qualifying relatives, but fails to identify a qualifying relative. The AAO notes that only a spouse or parent can be a qualifying relative under section 212(i) of the Act, the record establishes that the applicant's husband is no longer a lawful permanent resident,[1] and the applicant does not claim to have a lawful permanent resident or U.S. citizen parent.

The AAO finds that the applicant's appeal fails to sufficiently identify any erroneous conclusion of law or statement of fact in the waiver denial. The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.

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[1] Immigration records show that he was ordered removed from the United States and is no longer a permanent resident.