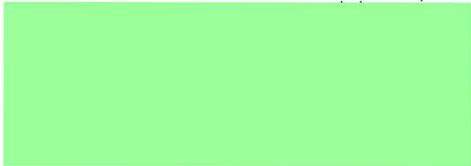


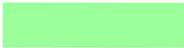


**U.S. Citizenship
and Immigration
Services**

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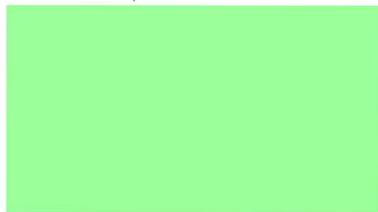
DATE: **MAR 22 2010** Office: ROME, ITALY

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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to 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 District Director, Rome, Italy. The denial was appealed to the Administrative Appeals Office (AAO). The appeal was dismissed. The applicant filed a motion to reopen and reconsider the AAO decision, which was also denied. The applicant has filed a second motion to reopen and reconsider, now before the AAO. The motion will be dismissed.

The applicant is a native and citizen of Pakistan who was found to be inadmissible to the United States pursuant to section 212(a)(6)(C)(i) of the Act, 8 U.S.C. § 1182(a)(6)(C)(i), for having misrepresented material facts when applying for admission to the United States. He is married to a U.S. citizen. 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 District Director concluded that the applicant had misrepresented a material fact by failing to reveal prior admissions and an admission refusal when applying for a visa to enter the United States, and 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 March 31, 2009. The AAO reviewed the record and affirmed the District Director's finding that the applicant had misrepresented material facts and had failed to establish that a qualifying relative would experience extreme hardship. The AAO denied the appeal on September 8, 2011. The applicant submitted a motion to reopen and reconsider, which was dismissed by the AAO on May 11, 2012, because it did not meet the requirements of a motion. The applicant filed a subsequent motion to reopen, now before the AAO.

On motion, counsel for the applicant requests reconsideration of the AAO's denial of the motion to reopen, and states that the District Director's decision of Marcy 31, 2009 is "at issue". *Form I-290B*, received June 13, 2012 .

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 may not file a motion to reopen or reconsider the District Director's March 31, 2009, decision. The applicant's appeal was adjudicated by the AAO and a decision was issued on September 8, 2011. The only motion available to the applicant is to reopen or reconsider the decision issued on May 11, 2012, denying the applicant's motion to reopen for failure to meet the requirements of a motion. The instant motion does not state the reasons why the AAO's May 11, 2012, decision should be reconsidered and has not articulated any incorrect application of law or USCIS policy. Nor does the motion establish that the decision was incorrect based on the evidence of the record at the time of the initial decision. As in the instant motion, the applicant has previously

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asserted that his omissions were innocent, committed by an agent and not a willful misrepresentation. These assertions were addressed in the AAO's decision of September 8, 2011, and do not constitute any new fact to be proved, either for the original basis of the denial or for the AAO's May 11, 2012, motion denial, the subject of this proceeding.

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.