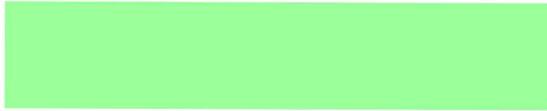


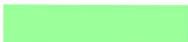
(b)(6)

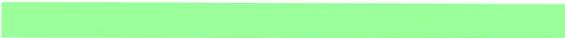
U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
20 Massachusetts Avenue NW  
Washington, DC 20529-2090  
**U.S. Citizenship  
and Immigration  
Services**



DATE: NOV 20 2013

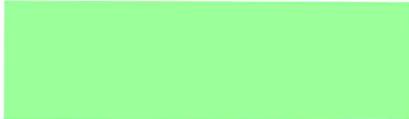
Office: NEW YORK

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 (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,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The District Director, New York, New York, denied the waiver application, and the Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now before the AAO on motion. The motion is dismissed.

The applicant is a native and citizen of Colombia 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 U.S. admission by fraud or willful misrepresentation. The applicant contested this finding of inadmissibility, but alternatively sought a waiver of inadmissibility in order to remain in the United States and reside with her U.S. citizen spouse as the beneficiary of an approved spousal Petition for Alien Relative (Form I-130).

The district director concluded the applicant had failed to establish that extreme hardship would be imposed on a qualifying relative and, accordingly, denied the Application for Waiver of Ground of Inadmissibility (Form I-601). *Decision of the Field Office Director*, September 22, 2011. The AAO similarly concluded the record evidence did not establish that a qualifying relative would suffer extreme hardship as a result of the applicant's inadmissibility, and dismissed her appeal. *Decision of the AAO*, June 5, 2013. On motion, 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 July 3, 2013. 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.

8 C.F.R. § 103.5(a) states in pertinent part:

- (2) A motion to reopen must state the new facts to be provided in the reopened proceeding and be supported by affidavits or other documentary evidence. [...]
- (3) A motion to reconsider must 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 Service policy. [...]
- (4) A motion that does not meet applicable requirements shall be dismissed. [...]

The AAO finds the applicant's motion fails to state any new facts or cite any precedent decisions showing that dismissal of the appeal was based on incorrect application of law or policy. The motion is therefore dismissed.

**ORDER:** The motion is dismissed.