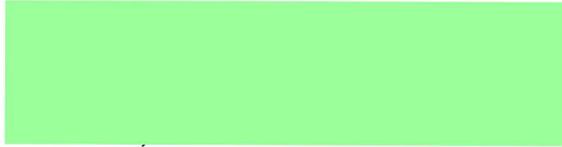


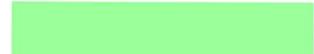


**U.S. Citizenship
and Immigration
Services**

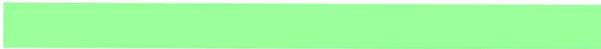
(b)(6)



Date: **JAN 03 2014** Office: NEBRASKA SERVICE CENTER

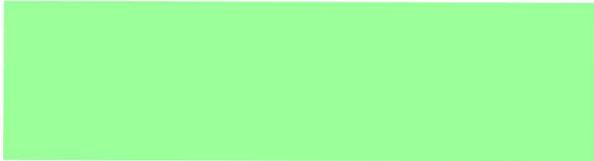


IN RE: Applicant:



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.

Thank you,

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

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Director, Nebraska Service Center and is now before the Administrative Appeals Office (AAO) on appeal. The appeal is rejected.

The regulation at 8 C.F.R. § 103.3(a)(2)(i) provides that an affected party must file a complete appeal within 30 days after service of an unfavorable decision. If the decision is mailed, the 30-day period for submitting an appeal begins 3 days after it is mailed. 8 C.F.R. § 103.5a(b). The date of filing is the date of actual receipt of the appeal, not the date of mailing. See 8 C.F.R. § 103.2(a)(7)(i).

The record reflects that the Director sent the decision on August 13, 2013, to the applicant at the applicant's address of record. It is noted that the Director stated that the applicant had 33 days to file an appeal. Although counsel dated the appeal on September 13, 2013, the appeal was received on September 17, 2013, 35 days after the decision was issued. Therefore, the appeal was untimely filed and must be rejected. Neither the Act nor the pertinent regulations grant the AAO authority to extend the time limit for filing an appeal.

Additionally, on appeal, counsel indicates that a brief and/or additional evidence would be submitted to the AAO within 30 days. *Form I-290B, Notice of Appeal or Motion (Form I-290B)*, dated September 13, 2013. However, as of the date of this decision, no brief or additional evidence has been received, and counsel makes no statements on the Form I-290B regarding the denial of the applicant's Form I-601, Application for Waiver of Grounds of Inadmissibility (Form I-601).

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 Officer Director's decision denying her Form I-601. Thus, even had the appeal been timely submitted, it would have been summarily dismissed.

ORDER: The appeal is rejected.