



U.S. Citizenship
and Immigration
Services

(b)(6)

[REDACTED]

Date **JAN 28 2014** Office: SAN FERNANDO VALLEY, CA [REDACTED]

IN RE: [REDACTED]

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

ON BEHALF OF APPLICANT:

[REDACTED]

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
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Field Office Director, San Fernando Valley, California. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The record reflects that the applicant is a native and citizen of Mexico 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 attempted to procure admission to the United States through fraud or the willful misrepresentation of a material fact. The applicant's spouse and three children are U.S. citizens. The applicant seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i) in order to reside in the United States with her family.

The Field Office Director found that the applicant failed to establish that extreme hardship would be imposed on a qualifying relative and denied the Form I-601, Application for Waiver of Grounds of Inadmissibility (Form I-601), accordingly. *Decision of the Field Office Director*, dated June 26, 2013.

On appeal, counsel states, "See attached brief" on Form I-290B, Notice of Appeal or Motion (Form I-290B), in the section requesting the basis for the appeal. The attached brief he submits is titled, "Brief in support of application to adjust status" and is dated May 2, 2013. The brief predates the Field Office Director's denial of the applicant's Form I-601 by several weeks. The record reflects that the brief accompanying Form I-290B is an identical copy of the brief submitted with the applicant's Forms I-601 and I-212, Application for Permission to Reapply for Admission into the United States after Deportation or Removal (Form I-212). The Form I-290B does not dispute or otherwise address the grounds upon which the Form I-601 application was denied.

8 C.F.R. § 103.3(a)(v) states in pertinent part that:

(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 applicant's appeal fails to identify any erroneous conclusion of law or statement of fact in the Field Office Director's Form I-601 decision. The appeal is therefore summarily dismissed.

Even if the appeal were not summarily dismissed, it would be dismissed because no purpose would be served in addressing a waiver under section 212(i) of the Act in this case. The applicant is inadmissible under section 212(a)(9)(C)(i)(II) of the Act and is currently statutorily ineligible to apply for permission to reapply for admission. An appeal of the decision denying her Form I-212 has been dismissed in a separate decision.

ORDER: The appeal is summarily dismissed.