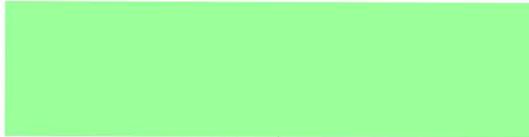


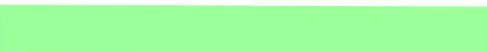


U.S. Citizenship  
and Immigration  
Services

(b)(6)



DATE: **MAY 08 2014** OFFICE: MOUNT LAUREL, NJ 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:

SELF-REPRESENTED

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 cursive script, appearing to read "Ron Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the Field Office Director, Mount Laurel, New Jersey. An appeal of the denial was dismissed by the Administrative Appeals Office (AAO). The applicant filed a motion to reopen that decision and the motion was dismissed. The matter is now again before the AAO on motion. The motion will again be dismissed.

The applicant, a native and citizen of Poland, was found inadmissible 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 admission to the United States through fraud or misrepresentation. The applicant is the beneficiary of an approved Petition for Alien Relative (Form I-130) filed by his spouse. 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 his U.S. citizen spouse.

In a decision dated July 27, 2009, the Field Office Director concluded 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, accordingly. The applicant appealed that decision, and the AAO dismissed the appeal on December 14, 2011. The applicant filed a motion to reopen the AAO's decision on January 17, 2012, and the motion was dismissed on January 14, 2013, because the applicant did not identify new facts or provide new documentation to support his motion.

The current motion, filed by the applicant in response to the January 2013 AAO dismissal, indicates that the applicant would provide "further hardship evidence." See *Form I-290B, Notice of Appeal or Motion (Form I-290B)*, dated February 13, 2013.<sup>1</sup> Accompanying the February 2013 motion is the applicant's spouse's Form N-400, Application for Naturalization. With another Form I-290B, dated November 12, 2013, the applicant's spouse submits copies of her naturalization certificate and the family's 2012 federal income-tax return.<sup>2</sup>

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 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 policy. A motion to reconsider a decision on an application or petition must, when filed, also 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). A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4).

The applicant's spouse's application for naturalization and her certificate do not affect the applicant's eligibility for a waiver of inadmissibility or address the hardship considerations set forth in the AAO decision dated December 14, 2011, wherein the AAO found that the applicant did not establish that his spouse would suffer extreme hardship as a result of his inadmissibility. Moreover, the applicant's 2012 federal tax return, without more, does not present new facts

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<sup>1</sup> The applicant initially timely submitted the Form I-290B to the Field Office Director in Mt. Laurel, New Jersey. The form was rejected and resubmitted pursuant to the filing instructions on the Form I-290B.

<sup>2</sup> The November 2013 Form I-290B does not appear to be a third motion, because the applicant did not pay a new fee.



concerning the hardship the applicant's spouse may experience if his waiver application is not approved.

Because the applicant has not stated new facts or shown that the previous decision was based on an incorrect application of law or policy, his motion will be dismissed.

**ORDER:** The motion is dismissed.