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



U.S. Citizenship
and Immigration
Services

[REDACTED]

#6

FILE:

[REDACTED]

Office: MEXICO CITY, MEXICO

[REDACTED]

Date: AUG 18 2010

IN RE:

Applicant:

[REDACTED]

APPLICATION:

Immigrant Application for Waiver of Grounds of Inadmissibility pursuant to section 212(a)(9)(B) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(9)(B)

ON BEHALF OF APPLICANT:

[REDACTED]

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 law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Tariq Syed
for

Perry Rhew
Chief, Administrative Appeals Office

IDENTIFICATION OF THE
PERSONS WHOSE NAMES
ARE LISTED IN THE
INDEX TO THE
RECORDS OF THE
FEDERAL BUREAU OF INVESTIGATION
FOR THE YEAR 1954

DISCUSSION: The waiver application was denied by the District Director, [REDACTED]. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Mexico who was found to be inadmissible to the United States under section 212(a)(9)(B)(i)(II) of the Act, 8 U.S.C. § 1182(a)(9)(B)(i)(II), for having been unlawfully present in the United States for more than one year and seeking readmission within ten years of her last departure from the United States. The applicant is married to a United States citizen. She seeks a waiver of inadmissibility in order to reside in the United States with her spouse and child.

The District Director found that, based on the evidence in the record, the applicant had failed to establish extreme hardship to her qualifying relative. The application was denied accordingly. *Decision of the District Director*, dated October 29, 2007.

On appeal, counsel for the applicant states that the applicant did not receive the entire decision from the District Director and thus, cannot meaningfully discuss error, conclusions of law, or erroneous statements of fact stated in the adverse decision. *Form I-290B, Notice of Appeal or Motion*. Counsel further notes that under a separate cover letter, a complete copy of the decision is being requested. *Id.* Counsel also states that the applicant intends to provide additional evidence that her qualifying family member will suffer extreme hardship if the waiver is denied. *Id.* On June 22, 2010, the AAO sent a fax to counsel with a complete copy of the District Director's decision. The AAO informed counsel that he had 30 days to respond directly to the AAO. To date, the AAO has not received any additional evidence. As such, the AAO will consider the record to be complete and adjudicate the case accordingly.

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 AAO finds that the applicant's appeal fails to identify any erroneous conclusion of law or statement of fact in the District Director's decision. The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.

