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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

H6

FILE: [REDACTED]
(CDJ 2004 820 235)

Office: CIUDAD JUAREZ, MEXICO

Date: MAY 03 2010

IN RE: [REDACTED]

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

ON BEHALF OF PETITIONER:

On August 6, 2007, the Officer in Charge, Ciudad Juarez, Mexico forwarded to the Administrative Appeals Office (AAO), your motion to reopen/reconsider his denial of your Form I-601 waiver of inadmissibility. His letter to you indicated that he had determined that your motion did not meet the requirements of the regulations at 8 C.F.R. § 103.5(a)(2) and (3), and that he was, therefore, forwarding it to the AAO on appeal pursuant to 8 C.F.R. § 103.3(a)(2)(iv).

There is no authority in the regulations for a motion to be treated as an appeal under any circumstances. The regulation cited by the Officer in Charge, 8 C.F.R. § 103.3(a)(2)(iv), references the forwarding of an appeal to the AAO when it has been determined that it will not be treated as a motion for favorable action. Accordingly, the AAO has no jurisdiction over your waiver application and will return the matter to the originating office for any further action.

Perry Rhew

Chief, Administrative Appeals Office