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

U.S. Citizenship and Immigration Services

PUBLIC COPY

[redacted]

H6

DATE: NOV 0 9 2011 OFFICE: BANGKOK FILE: [redacted]

IN RE: [redacted]

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

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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 $630. 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,

Michael Rhumway

for Perry Rhew
Chief, Administrative Appeals Office

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

The applicant is a native and citizen of Korea who was found to be inadmissible to the United States under section 212(a)(9)(B)(i)(II) of the Immigration and Nationality Act (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 10 years of his last departure from the United States. The applicant seeks a waiver of his ground of inadmissibility under section 212(a)(9)(B)(v) of the Act, 8 U.S.C. § 1182(a)(9)(B)(v) in order to reside in the United States with his U.S. lawful permanent resident wife.[1]

The director denied the applicant's Form I-601, Application for Waiver of Grounds of Inadmissibility on June 22, 2009. The director's decision provided a summary of the applicant's immigration history in the U.S., and discussed that he was inadmissible under section 212(a)(9)(B)(i)(II) of the Act, due to his unlawful presence in the U.S. for over a year between April 1, 1997 until January 2000.[2] The director's decision analyzed hardship evidence submitted by the applicant, including letters from his wife, medical records for the applicant, and business-related documentation. Upon review of the evidence, the director determined the applicant had failed to establish that his U.S. lawful permanent resident wife would suffer extreme hardship if the applicant were denied admission into the United States. The applicant's waiver application was denied accordingly.

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[1] Section 212(a)(9)(B)(v) of the Act provides:

> *The Attorney General has sole discretion to waive clause (i) in the case of an immigrant who is the* spouse or son or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, if it is established to the satisfaction of the Attorney General that the refusal of admission to such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse or parent of such alien. No court shall have jurisdiction to review a decision or action by the Attorney General regarding a waiver under this clause.

[2] Section 212(a)(9)(B) of the Act provides in pertinent part:

> (i) In general.- Any alien (other than an alien lawfully admitted for permanent residence) who-
>
> . . .
>
> (II) has been unlawfully present in the United States for one year or more, and who again seeks admission within 10 years of the date of such alien's departure or removal from the United States, is inadmissible.

Section 212(a)(9)(B)(i)(II) was added to the Act by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Div. C of PL 104-208, September 30, 1996) (IIRIRA). IIRIRA became effective on April 1, 1997, and only periods of unlawful presence spent in the U.S. after its April 1, 1997 effective date count towards unlawful presence for section 212(a)(9)(B)(i)(II) of the Act purposes.

On appeal, the applicant states:

> [T]o tell the truth we do not have any more statements to write by repeating similar excuses in addition to the statements we already submitted, however we wish you to take highest concern of reconsideration if US Immigration Law permits you any allowable margin of "Consideration".

The applicant indicates that he continues to hope for a favorable response to his waiver application and that he is repentant. The applicant makes no other claims on appeal, and he submits no new evidence.

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

> *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 has failed to identify specifically any erroneous conclusion of law or statement of fact in his appeal. The appeal will therefore be summarily dismissed, and the application will be denied.

ORDER: The appeal is summarily dismissed. The application is denied.