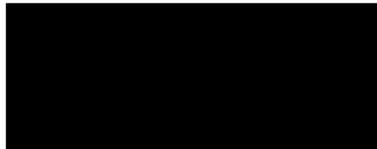


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prevent clearly unwarranted
invasion of personal privacy**

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



PUBLIC COPY



tlc

Date: **SEP 08 2011** Office: ROME, ITALY FILE:

IN RE: Applicant:

APPLICATION: Application for Waiver of Grounds of Inadmissibility pursuant to section 212(a)(9)(B)(v) of the Immigration and Nationality Act (the 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,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Field Office Director, Rome, Italy. 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 of Brazil and a citizen of Portugal and Brazil who was found to be inadmissible to the United States pursuant 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. The applicant is married to a U.S. citizen and has a U.S. citizen parent, and seeks a waiver of inadmissibility pursuant to section 212(a)(9)(B)(v) of the Act, 8 U.S.C. § 1182(a)(9)(B)(v), in order to reside with his wife and mother in the United States.

The field office director found that the applicant failed to establish extreme hardship to a qualifying relative. Specifically, the field office director stated that the applicant's wife had to move in with her mother and share a room with her brother because she cannot afford to rent her own apartment on her salary alone. In addition, the field office director stated that the applicant's mother has to live with the applicant's sister where she is forced to live in cramped conditions and that the applicant's mother's physician advised her that her breast cancer might return if she does not find a more stress-free living situation for herself. The field office director acknowledged that these living situations are far from ideal, but concluded that they do not rise to the level of extreme hardship. The field office director denied the application accordingly. *Decision of the Field Office Director*, dated May 20, 2009.

On appeal, in response to the question asking for the basis for the appeal, the applicant's wife states, in its entirety, "The service abused its discretion in its determination that I would not suffer extreme hardship due to my husband's absence." The applicant's wife checked the box that a brief and/or additional evidence would be submitted to the AAO within thirty days. However, to date, the AAO has not received a brief or any additional evidence.

The regulation at 8 C.F.R. § 103.3(a)(1)(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's appeal fails to specifically identify any erroneous conclusion of law or statement of fact in the field office director's decision. Accordingly, the appeal is summarily dismissed.

ORDER: The appeal is summarily dismissed.