

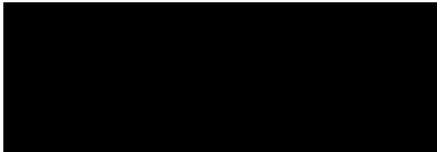
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office
20 Massachusetts Ave., NW, MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



H6

DATE: JUN 19 2012

OFFICE: MEXICO CITY, MEXICO

FILE:

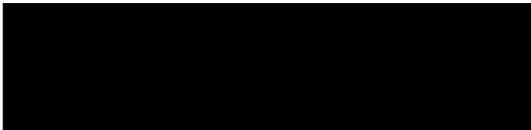


IN RE:



APPLICATION: Application for Waiver of Grounds of Inadmissibility under 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:



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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the field office or service center that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

A handwritten signature in black ink that reads "Perry Rhew".

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Form I-601, Application for Waiver of Grounds of Inadmissibility (Form I-601) was denied by the Field Office Director, Mexico City, Mexico, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily 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) of the Immigration and Nationality Act (the Act), 8 U.S.C. §1182(a)(9)(B)(i), for having been unlawfully present in the United States for more than one year and seeking admission within ten years of his removal 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. citizen spouse.

The applicant was also found to be inadmissible under section 212(a)(9)(A)(i) of the Act; 8 U.S.C. § 1182(a)(9)(A)(i), as an alien previously removed from the United States, and section 212(a)(9)(C)(i)(II) of the Act, 8 U.S.C. § 1182(a)(9)(C)(i)(II), for having being unlawfully present in the United States for an aggregate period of more than one year and reentering the country without admission.

In a decision dated April 21, 2010, the director determined the applicant had failed to establish that his spouse would experience extreme hardship if he were denied admission into the United States. The director also determined that the applicant was statutorily barred from obtaining permission to apply for readmission until he remained outside of the United States for ten years pursuant to section 212(a)(9)(C)(ii) of the Act, 8 U.S.C. § 1182(a)(9)(C)(ii). The waiver application was denied accordingly.

On appeal, counsel for the applicant asserts that he will provide new hardship evidence, a brief, and a properly filed Form I-212 within 90 days. *See* I-290B, *Notice of Appeal or Motion*, dated May 20, 2010. Counsel makes no other assertions on appeal, and no new information or evidence has been received by the AAO. The file therefore is considered complete.

The regulations provide in pertinent part at 8 C.F.R. § 103.3(a)(1)(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 counsel failed to identify any erroneous statement of fact or conclusion of law in the director's decision. The appeal will be summarily dismissed.

ORDER: The appeal is dismissed.