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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

Date: **SEP 12 2012**

Office: TEGUCIGALPA, HONDURAS

FILE: [REDACTED]

IN RE: Applicant: [REDACTED]

APPLICATION: 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:

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.

Thank you,

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

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Field Office Director, Tegucigalpa, Honduras, and a subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The AAO's decision is now before the AAO on appeal. The appeal will be rejected.

The applicant is a native and citizen of Honduras who is inadmissible to the United States pursuant to 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 U.S. citizen. She seeks a waiver of inadmissibility in order to reside in the United States with her U.S. citizen spouse and lawful permanent resident mother. The Field Office 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 Field Office Director*, dated May 2, 2008. The AAO dismissed the subsequent appeal, finding that the applicant failed to establish that her qualifying relative would experience extreme hardship upon separation. *Decision of the AAO*, January 10, 2011.

On page 1 of the Notice of Appeal or Motion (Form I-290B) filed in response to the AAO dismissal, counsel for the applicant checked the box which indicates, "I am filing an appeal. My brief and/or additional evidence will be submitted to the AAO within 30 days." *Form I-290B*, signed February 10, 2011. As explained on the cover sheet for the AAO decision, an applicant who believes the AAO inappropriately applied the law or who wishes to submit additional information may file a motion to reconsider or a motion to reopen. 8 C.F.R. § 103.5(a)(1)(ii). There is nothing in the regulations allowing for an administrative appeal of an AAO decision.

Consequently, although an applicant may file a motion to reopen or a motion to reconsider an AAO decision pursuant to 8 C.F.R. §103.5, there is no appeal of that decision. Accordingly, the appeal must be rejected.

ORDER: The appeal is rejected.