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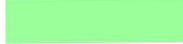
U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals  
20 Massachusetts Avenue, N.W., MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services



DATE: **DEC 24 2013** Office: ANAHEIM

FILE: 

IN RE: 

APPLICATION: Application for Waiver of Grounds of Inadmissibility pursuant to 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 (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

  
Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the International Adjudications Support Branch on behalf of the District Director, Mexico City (Ciudad Juarez), Mexico. An appeal of the denial was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on motion. The motion will be dismissed.

The applicant is a native and citizen of Mexico who was found to be inadmissible to the United States pursuant to 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 inadmissibility in order to reside in the United States with his lawful permanent resident parents, five lawful permanent resident siblings, and U.S. citizen son.

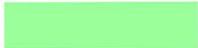
In a decision, dated November 8, 2012, the field office director found that the applicant had failed to establish that his lawful permanent resident father would suffer hardship rising to the level of extreme.

In an appeal, filed on December 7, 2012 and received by the AAO on March 7, 2013, the applicant stated that he felt the field office director erred in denying his waiver because of the extreme psychological hardship his father and son were facing without him in the United States.

In a decision, dated August 21, 2013, we found that the record did not contain documentation to support the applicant's parents' assertions regarding the hardship they were suffering as a result of the applicant's inadmissibility and the record failed to show that their suffering rose to the level of extreme hardship. In regards to relocation, we found that the applicant's father failed to submit documentation to support his statements regarding the financial support he rendered to his family and their inability to support themselves in his absence as well as any country conditions in Mexico. We noted that going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). We found that the record did not contain sufficient evidence to show that the hardships faced by the qualifying relative, considered in the aggregate, rose beyond the common results of removal or inadmissibility to the level of extreme hardship. The appeal was dismissed accordingly.

On motion, the applicant's father submits three statements regarding the hardships he is facing as a result of the applicant's inadmissibility.

A motion to reopen must state the new facts to be proved in the reopened proceeding and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy. A motion to reconsider a decision on an application or petition must, when filed, also establish that the decision was incorrect based on the evidence of record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3). A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4).



Here, the applicant's filing does not meet the requirements of a motion. On motion, the applicant continues to assert the same hardship claims as previously stated on appeal. The applicant has made no new legal argument, but is again reiterating the same arguments that have been rejected by the AAO as not supported by the record. The applicant submits three affidavits from his father, none of which state any new facts or reasons for reconsideration, supported by any pertinent precedent decisions. The applicant has not submitted any additional corroborating evidence, such as letters or evaluations from doctors or other health professionals, or letters or affidavits from other family, friends, co-workers, or employers to corroborate claims of emotional hardship. The applicant has not submitted additional documentation of income and expenses to corroborate claims of financial hardship. The applicant has also not provided additional evidence of specific conditions the qualifying relatives would experience should they relocate. The motion does not meet the applicable requirements of a motion. Accordingly, the motion will be dismissed.

**ORDER:** The motion is dismissed.