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



U.S. Citizenship
and Immigration
Services

DATE: JAN 14 2013 OFFICE: PORTLAND, MAINE

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 PETITIONER:

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 in accordance with the instructions on 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 "Ron Rosenberg".

Ron Rosenberg
Acting 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, Portland, Maine. The AAO dismissed an appeal of the decision, and the matter is now before the AAO on a motion to reopen and reconsider. The motion will be dismissed and the underlying application remains denied.

In the present matter, counsel for the applicant submitted a Form I-290B, Notice of Appeal or Motion (Form I-290B), indicating that the applicant is filing a motion to reopen and reconsider the AAO's dismissal of her appeal, that is not signed.

The regulation at 8 C.F.R. § 103.5(a)(iii)(A) states in pertinent part, that in order to properly file a motion to reopen or reconsider, the Form I-290B must be signed by the affected party or attorney or representative of record. In addition, the instructions for Part 4 of Form I-290B state: "You or your legal representative must sign and submit Form I-290B." Under 8 C.F.R. § 103.5(a)(4), "a motion that does not meet the applicable requirements shall be dismissed."

It is noted further that the applicant's motion does not meet the requirement at 8 C.F.R. § 103.5(a)(1)(iii) that motions be "[a]ccompanied by a statement about whether or not the validity of the unfavorable decision has been or is the subject of any judicial proceeding." The motion must therefore also be dismissed for this reason pursuant to 8 C.F.R. § 103.5(a)(4).

Because the Form I-290B submitted on motion does not contain a signature, the motion is improperly filed and must be dismissed.

ORDER: The motion to reopen and reconsider is dismissed and the underlying application remains denied.