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

(b)(6)

U.S. Citizenship and Immigration Services

Date: DEC 0 5 2014 Office: NEBRASKA SERVICE CENTER FILE:

IN RE: APPLICANT:

APPLICATION: Application for Waiver of Grounds of Inadmissibility under section 212(a)(9)(B) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(9)(B)

ON BEHALF OF APPLICANT:

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 Nebraska Service Center, and 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 and citizen of Mexico who entered the United States without inspection at an unknown date. He 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 U.S. citizen children.

The Service Center Director stated that the applicant followed incorrect procedure in filing his I-601 application and denied it accordingly. *See Service Center Director's Decision,* dated February 14, 2014.

On appeal counsel contends that, contrary to the Service Center Director's correspondence, the applicant submitted the correct application fee in a timely fashion. On the Form I-290B, counsel requests appellate decisions on the denials of both the I-601 and I-212 applications. Counsel further requests an additional 30 days with which to file a brief and / or additional evidence, but no such documentation was received.

The applicant's I-601 and I-212 applications were both denied, in separate decisions, on February 14, 2014. The Service Center Director incorrectly noted in the February 14, 2014, I-212 decision, that the I-601 application was denied on January 7, 2014. However, as the applications were separately denied, separate I-290B applications are required.

Counsel is correct that the Form I-290B, along with the correct filing fee, was timely filed. However, the applicant's appeal must be dismissed on other grounds. 8 C.F.R. § 103.3(a)(1) states, in pertinent part:

> (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 the applicant's appeal fails to identify any erroneous conclusion of law or statement of fact in the Service Center Director's decision. The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.