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

(b)(6)

U.S. Citizenship and Immigration Services

DATE: JUL 3 1 2014 OFFICE: NEBRASKA SERVICE CENTER File:

IN RE: Applicant:

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

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 Director, Nebraska Service Center, and 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 and the beneficiary of an approved Form I-130, Petition for Alien Relative, filed by his U.S citizen spouse. The applicant, through counsel, seeks a waiver of inadmissibility pursuant to section 212(a) of the Act, 8 U.S.C.§ 1182(a), in order to reside with his wife in the United States.[1]

The Director concluded that the record failed to establish that a consular officer has interviewed the applicant to determine his eligibility for a visa and that the record does not establish that the applicant is in fact inadmissible to the United States. The Director denied the Form I-601, Application for Waiver of Grounds of Inadmissibility, accordingly. *See Decision of the Director*, dated January 16, 2014.

Counsel submitted a Form I-290B, Notice of Appeal or Motion (Form I-290B), on behalf of the applicant on February 12, 2014. The Form I-290B does not identify an erroneous conclusion of law or statement of fact as a basis for the appeal. Part 3 of the Form I-290B, which asks for information about the appeal, indicates counsel will submit a brief and additional evidence within 30 days. However, the record does not include additional information other than counsel's accompanying correspondence, stating, in relevant part: "The legal brief and supporting documents will be forwarded to you within the thirty days allowed." *See Correspondence Submitted with Form I-290B*, dated February 12, 2014. The record does not include a brief or additional evidence submitted after February 12, 2014; the record therefore is considered complete as of the date of this decision.

The regulation at 8 C.F.R. § 103.3(a)(l)(v) provides, in relevant part:

> 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.

Because the applicant has not identified an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

In application proceedings, it is the applicant's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is summarily dismissed.

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[1] The Director's decision refers to the applicant living in the United States without legal status, and the record indicates that the applicant continues to reside in the United States. Only applicants who file Form I-601A, Application for Provisional Unlawful Presence Waiver, are eligible to request a waiver before leaving the United States.