



U.S. Citizenship  
and Immigration  
Services

(b)(6)

Date: **SEP 29 2014** Office: NEBRASKA SERVICE CENTER

FILE: [REDACTED]

IN RE: Applicant: [REDACTED]

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 APPLICANT:

SELR-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 Director, Nebraska Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant is a native and citizen of Ecuador. The record indicates that the applicant entered the United States without inspection in June 1996 and departed in February 1999. The applicant subsequently reentered the United States without inspection in February 2001, and did not depart the United States until October 17, 2010. The applicant was thus 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. The applicant seeks a waiver of inadmissibility under section 212(a)(9)(B)(v) of the Act, 8 U.S.C. § 1182(a)(9)(B)(v) in order to reside with his lawful permanent resident spouse.

In addition, the applicant was found inadmissible under section 212(a)(9)(C)(i)(I) of the Act, 8 U.S.C. § 1182(a)(9)(C)(i)(I), as an alien who has been unlawfully in the United States for an aggregate period of more than one year and who subsequently reentered the United States without being admitted.

The Director concluded that the applicant is inadmissible under section 212(a)(9)(C)(i)(I) of the Act and may not apply for consent to reapply for admission until he has been outside the United States for more than 10 years since the date of his last departure from the United States. The Director therefore denied his Form I-601, Application for Waiver of Grounds of Inadmissibility, as a matter of discretion. *See Decision of Director*, dated April 18, 2014.

On appeal, the applicant indicated he would file a brief and/or additional evidence with the AAO within 30 days. *Form I-290B, Notice of Appeal or Motion (Form I-290B)*, dated May 20, 2014. Pursuant to 8 C.F.R. § 103.3(a)(2)(vii) and (viii), an affected party may request additional time to file a brief, which is to be submitted directly to the AAO. We have not received any additional documents, nor were any statements submitted with the Form I-290B regarding the denial of the applicant's Form I-601.

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.

We find that the applicant's appeal fails to identify any erroneous conclusion of law or statement of fact in the Director's decision. The appeal is therefore summarily dismissed.

**ORDER:** The appeal is summarily dismissed.