



U.S. Citizenship  
and Immigration  
Services

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF J-G-R-

DATE: MAR. 25, 2019

MOTION ON ADMINISTRATIVE APPEALS OFFICE DECISION

APPLICATION: FORM I-601, APPLICATION FOR WAIVER OF GROUNDS OF  
INADMISSIBILITY

The Applicant, a citizen of Mexico currently residing in the United States, has applied to adjust status to that of a lawful permanent resident. A foreign national seeking to adjust status must be “admissible” or receive a waiver of inadmissibility. The Applicant seeks a waiver of inadmissibility for having been unlawfully present in the United States for more than one year. Immigration and Nationality Act (the Act) section 212(a)(9)(B)(v), 8 U.S.C. § 1182(a)(9)(B)(v). U.S. Citizenship and Immigration Services (USCIS) may grant a discretionary waiver for unlawful presence if refusal of admission would result in extreme hardship to a qualifying relative or qualifying relatives.

This matter previously came before us on appeal. In our decision, which we incorporate herein by reference, we dismissed the appeal because the Applicant is also inadmissible under another section of the Act—212(a)(9)(C)(i)—that requires USCIS permission for his admission, and his application for that permission has been denied. On motion to reconsider, the Applicant submits a brief.

The burden of proof in these proceedings rests solely with the Applicant. Section 291 of the Act, 8 U.S.C. § 1361. A motion to reconsider must establish that our decision was based on an incorrect application of law or policy and that the decision was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3).

On motion, the Applicant repeats his argument that he is not inadmissible because after his last removal from the United States he was paroled into the country several times and that the Director made errors about his arrests. We, however, addressed this argument in our appeal decision and the Applicant does not provide any evidence to show that our previous decision was based on an incorrect application of law or USCIS policy. Therefore, the submission does not meet the requirements of a motion to reconsider. The application will therefore remain denied.

**ORDER:** The motion to reconsider is denied.

Cite as *Matter of J-G-R-*, ID# 2965213 (AAO Mar. 25, 2019)