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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
**U.S. Citizenship
and Immigration
Services**



#7

Date: **MAR 08 2012** Office: CALIFORNIA SERVICE CENTER FILE:

IN RE:

APPLICATION: Application for Waiver of of the Foreign Residence Requirement under Section 212(e)
of the Immigration and Nationality Act; 8 U.S.C. § 1182(e)

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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 law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you

Perry Rhew
Chief, Administrative Appeals Office

establish that he returned to his home country for two years. Nor is the applicant currently eligible to request that the U.S. Department of State recommend a waiver on his behalf as an Interested Government Agency as he is only 15 years old at this time. As such, the USCIS is prohibited from approving the Form I-612 based on his independent request for a waiver due to a claim of persecution. The AAO thus concludes that director properly denied the applicant's Form I-612, due to lack of jurisdiction over a J-2's independent request for a waiver.

ORDER: The appeal is dismissed. The waiver application is denied.