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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

PUBLIC COPY

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[redacted]

FILE: [redacted] Office: SALT LAKE CITY Date: MAR 03 2010

MSC 06 097 16329

IN RE: Applicant: [redacted]

APPLICATION: Application for Waiver of Grounds of Inadmissibility under section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C.§ 1255a

ON BEHALF OF APPLICANT:

[redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. You no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case. If your appeal was sustained or remanded for further action, you will be contacted.

Elizabeth McCormack

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for waiver of grounds of Inadmissibility was denied by the Director, Salt Lake City. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant filed Form I-690, Application for Waiver of Grounds of Inadmissibility under section 212(a) of the Immigration and Nationality Act (the Act) as amended, in conjunction with the application under 210 or 245A of the Act on January 5, 2006. The director denied the application on December 18, 2007, finding that the applicant had not demonstrated any compelling reason for the granting of the waiver due to humanitarian purposes or the public interests of the United States.

On appeal, counsel requests that the director reconsider all the evidence and statements previously submitted.

The regulations at 8 C.F.R. § 103.2 state in pertinent part:

> (a) *Filing* – (1) *General*. Every application, petition, appeal, motion, request, or other document submitted on the form prescribed by this chapter shall be executed and filed in accordance with the instructions on the form, such instructions (including where an application or petition should be filed) being hereby incorporated into the particular section of the regulations in this chapter requiring its submission. The form must be filed with the appropriate filing fee required by § 103.7.

Any appeal with the required fee shall be filed with the Service Center or district office issuing such decision within thirty (30) days after service of the notice of decision in accordance with the procedures of 8 C.F.R. § 103.3(a). On January 22, 2008, the AAO returned the Form I-290B appeal, fee of $385 and letter/copies to the attorney of record stating that it did not accept or process applications and fees at the AAO office. Counsel was instructed to resubmit the appeal application with the correct fee of $585 to the Salt Lake City Office, Salt Lake City, Utah.

In a letter dated January 29, 2008 and addressed to the Department of Homeland Security (DHS), Salt Lake Field Office, Salt Lake City, Utah, and signed by counsel, counsel resubmits the I-290B appeal, filing fee of $385, Form G-28, and copy of the decision. However, there is no evidence in the record that the correct filing fee for the Form I-290B application was paid. Absent such evidence, the appeal must be rejected.

The AAO contacted counsel telephonically, and stated that it needed a copy of the fee receipt for the Form I-290B application. To date, there has been no reply. Accordingly, the appeal must be rejected as it is improperly filed.

ORDER: The appeal is rejected.