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U.S. Department of Justice

Immigration and Naturalization Service

PUBLIC COPY

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

[redacted]

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

FILE: [redacted] Office: Helena Date: FEB 28 2003

IN RE: Applicant: [redacted]

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

IN BEHALF OF APPLICANT: [redacted]

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of $110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The waiver application was denied by the District Director, Helena, Montana, and is before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The applicant is a native and citizen of Mexico who was present in the United States without a lawful admission or parole in March 1990. He was found to be inadmissible to the United States under sections 212(a)(2)(A)(i)(I), 212(a)(6)(C)(i) and 212(a)(9)(B)(i)(I) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1182(a)(2)(A)(i)(I), 1181(a)(6)(C)(i) and 1182(a)(9)(B)(i)(I), for having been convicted of a crime involving moral turpitude, for having attempted to procure admission into the United States or other benefit by fraud or willful misrepresentation, and for having been unlawfully present in the United States for more than one year. The applicant married a United States citizen on an unspecified date and is the beneficiary of an approved Petition for Alien Relative. He seeks a waiver of these bars to admission as provided under sections 212(h), 212(i) and 212(a)(9)(B)(v) of the Act, 8 U.S.C. §§ 1182(h), 1182(i) and 1182(a)(9)(B)(v).

The district director determined that the applicant had failed to establish that extreme hardship would be imposed on a qualifying relative and denied the application accordingly.

On appeal, the applicant failed to address specifically the grounds for denial set forth in the decision of the district director.

Pursuant to 8 C.F.R. § 103.3(a)(1)(v) 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.

Inasmuch as the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

ORDER: The appeal is summarily dismissed.