



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

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

In Re: 24231340

Date: FEB. 9, 2023

Motion on Administrative Appeals Office Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant, a native and citizen of Ghana, has applied to adjust status to that of a lawful permanent resident and seeks a waiver of inadmissibility under section 212(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(i). The Director of the Accra, Ghana Field Office denied the application based on a determination that the Applicant did not establish that her qualifying relative spouse would experience extreme hardship if her waiver were denied. We dismissed the Applicant's appeal and her first combined motion to reopen and reconsider. The matter is now before us on a second combined motion to reopen and reconsider. The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). Upon review, we will dismiss the motions.

A motion to reopen must state new facts and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). A motion to reconsider must state the reasons for reconsideration; be supported by any pertinent precedent decision to establish that the decision was based on an incorrect application of law or policy; and establish that our decision was incorrect based on the evidence in the record at the time of the decision. 8 C.F.R. § 103.5(a)(3). We must dismiss a motion that does not satisfy the applicable requirements. 8 C.F.R. § 103.5(a)(4).

In our last decision in this case, we dismissed the Applicant's first combined motion to reopen and reconsider as untimely. We noted that per 8 C.F.R. § 103.5(a)(1), an applicant must file a motion within 33 calendar days of the date we mailed the last unfavorable decision. We mailed our decision dismissing her appeal in February 2012 and she filed her first combined motion 3,233 days later in December 2020.

On her second combined motion to reopen and reconsider, the Applicant does not address the dismissal of her prior filing as untimely or allege that our decision was incorrect based on the evidence in the record at the time. Accordingly, she does not meet the requirements for a motion to reconsider under 8 C.F.R. § 103.5(a)(3). Further, the Applicant does not submit new evidence to meet the requirements of a motion to reopen. Instead, she submits copies of previously submitted statements from herself and her spouse. She repeats prior allegations about her family's situation, the difficulty she and her spouse and child have endured since her removal, confusion relating to the appeal filing requirements, and her disagreement with the Director's findings in the original decision denying her waiver

application. The Applicant does not state new facts or submit new evidence to establish her eligibility for a waiver, and therefore does not meet the requirements for a motion to reopen under 8 C.F.R. § 103.5(a)(2).

ORDER: The motion to reopen is dismissed.

FURTHER ORDER: The motion to reconsider is dismissed.