



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

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

In Re: 21200348

Date: APR. 26, 2022

Motion on Administrative Appeals Office Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant, a native and citizen of Mexico, seeks a waiver of inadmissibility under section 212(a)(9)(B)(v) of the Act, 8 U.S.C. § 1182(a)(9)(B)(v). The Director of the Nebraska Service Center denied the application, and we subsequently dismissed the Applicant's appeal. The matter is now before us on a motion to reconsider.

An applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361. Upon review, we will dismiss the motion.

Generally, when an affected party files a motion to reconsider, the official having jurisdiction may, for proper cause shown, reconsider the prior decision. 8 C.F.R. § 103.5(a)(1)(i). Under 8 C.F.R. § 103.5(a)(1)(iii)(A), a motion must be signed by the affected party or that party's attorney or accredited representative. Under 8 C.F.R. § 103.5(a)(4), a motion that does not meet applicable requirements must be dismissed.

An "affected party" is defined at 8 C.F.R. § 103.3(a)(1)(iii)(B) as "the person or entity with legal standing in a proceeding." In the case of a Form I-601, Application for Waiver of Grounds of Inadmissibility, the affected party is the Applicant. If someone other than the Applicant or their attorney or accredited representative signs the motion, that motion must be dismissed pursuant to 8 C.F.R. § 103.5(a)(4) because it does not meet applicable filing requirements.

In this case, the Applicant in the underlying Form I-601 is [REDACTED] but the Form I-290B, Notice of Appeal or Motion, was filed and signed by his spouse, [REDACTED] who is not an affected party as defined at 8 C.F.R. § 103.3(a)(1)(iii)(B). Therefore, the motion to reconsider does not meet the applicable filing requirements at 8 C.F.R. § 103.5(a)(1)(iii)(A) and must be dismissed. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion is dismissed.