

HI

U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services

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

identifying data deleted to
clearly unwarranted
privacy



MAY 16 2003

FILE:

Office: Reno (PHO)

Date:

IN RE: Applicant:



APPLICATION:

Application for Waiver of Grounds of Inadmissibility under
Section 212 of the Immigration and Nationality Act, 8 U.S.C. §
1182

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

PUBLIC COPY

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 Bureau of Citizenship and Immigration Services (Bureau) 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, Phoenix, Arizona, and is now before the Administrative Appeals Office (AAO) on appeal. The record will be remanded to the district director for further action.

The applicant is a native and citizen of Mexico who was found to be inadmissible to the United States under section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for having misrepresented a material fact.

In his decision, the district director indicated that the applicant was inadmissible for fraud or misrepresentation. He also referred to three offenses: Spousal Battery on January 2, 1992; Battery with a Deadly Weapon on March 18, 1997; and Domestic Battery on March 18, 1997, but did not indicate that the applicant was inadmissible based on those offenses. There is no indication in the decision, or in the record, as to what the fraud or misrepresentation was. All previous documentation, including a July 5, 2001 letter advising the applicant of his right to file a waiver, related to the criminal convictions.

As it is unclear what the ground of inadmissibility is, the AAO is unable to make a determination on the present appeal. As such, the record will be remanded to the district director to render a new decision, which if unfavorable to the applicant, is to be certified to the AAO, without fee, in order to review the appeal.

ORDER: The record is remanded to the district director to render a new decision as noted above.