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U.S. Citizenship
and Immigration
Services

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FILE:

Office: LOS ANGELES

Date:

MAR 04 2008

IN RE: Applicant:

APPLICATION: Application for Waiver of Grounds of Inadmissibility under Section 212(d)(11) of the Immigration and Nationality Act (INA)

ON BEHALF OF APPLICANT:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, 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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for waiver of grounds of inadmissibility was denied by the District Director, Los Angeles. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application based on the determination that the applicant is inadmissible and not eligible for a waiver. While the director cited an incorrect section of the law in support of his determination, his ultimate conclusion was correct, as it is mandated by section 212(d)(11) of the Immigration and Nationality Act (the Act).

On appeal, the applicant provides an explanation of the humanitarian grounds upon which she feels her waiver application, Form I-690, should be granted.

The relevant portion of section 212(d)(11) of the Act states the following:

The Attorney General may, in his discretion for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest, waive application of clause (i) of subsection (a)(6)(E) in the case of any alien lawfully admitted for permanent residence

In the present matter, the applicant has not been admitted for permanent residence. As such, the applicant is not eligible for a waiver of inadmissibility.

ORDER: The appeal is dismissed.