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U.S. Department of Justice

Immigration and Naturalization Service

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

[redacted]

FILE: [redacted] Office: Philadelphia Date: JAN 08 2003

IN RE: Applicant: [redacted]

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

IN BEHALF OF APPLICANT: [redacted]

PUBLIC COPY

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.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The waiver application was denied by the District Director, Philadelphia, Pennsylvania, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed, and the application will be declared moot.

The applicant is a native and citizen of Turkey who was found to be inadmissible to the United States under sections 212(a)(2)(A)(i)(I) and 212(a)(6)(C)(i) of the Immigration and Nationality Act, (the Act), 8 U.S.C. §§ 1182(a)(2)(A)(i)(I) and 1182(a)(6)(C)(i), for having committed a crime involving moral turpitude and for having procured admission into the United States by fraud or misrepresentation in August 1988. The applicant married a United States citizen in February 1997 and is the beneficiary of a Petition for Alien Relative. The applicant seeks the above waiver in order to remain in the United States.

The district director concluded that the applicant had failed to establish that extreme hardship would be imposed on a qualifying relative and did not warrant the favorable exercise of the Attorney General's discretion. The district director denied the application accordingly.

The determination of inadmissibility was based on the applicant's admissions during his adjustment of status interview that he entered the United States in April 1988 with another person's Turkish passport and that he acquired and used another person's social security card.

On appeal, through new counsel, the applicant alleges that he never used another person's passport, but entered without inspection through Mexico. The applicant also states that he never acquired or used another person's social security card. The applicant states that his previous counsel advised him to state this on his application in order to be able to adjust his status. The applicant provides a copy of his social security card which he obtained legally. It contains the same number reflected on all his employment and income tax documents in the record. He denies using another person's card.

The applicant also states that he entered the United States in 1991 without inspection. He describes the events beginning with his flight from Turkey to Guatemala, then to Mexico, and the events and procedures involved in crossing the U.S. border and travelling by bus to New York. The applicant provides a copy of his passport which indicates that it was initially issued in 1989 and contradicts the possibility of his entry into the United States in 1988.

The appeal was filed on October 8, 2001. The record now contains evidence that the applicant's wife, the petitioner, died on October 29, 2001. Action on the Petition for Alien Relative was terminated by the Service. Therefore, the applicant is no longer eligible for

an immigrant visa and does not qualify for the above waivers. The issue of his inadmissibility is moot, and the appeal will be dismissed.

ORDER: The appeal is dismissed.