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U.S. Citizenship  
and Immigration  
Services

H2

FILE:



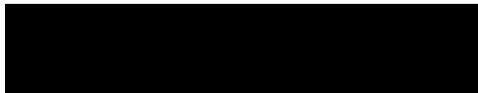
Office: NEW DELHI, INDIA

Date:

APR 27 2004

IN RE:

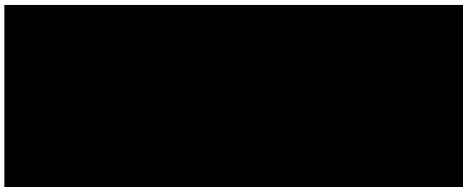
Applicant:



APPLICATION:

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

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office 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.

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the Officer in Charge, New Delhi, India and is now before the Administrative Appeals Office (AAO) on appeal. The application will be remanded to the Officer in Charge for further action.

The record reflects that the applicant is a native and citizen of India. He was found to be inadmissible to the United States pursuant to 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 sought to procure an immigrant visa by knowingly and willfully misrepresenting a material fact. The applicant is the beneficiary of an approved Petition for Alien Relative filed by his U.S. citizen sister. He now seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i) in order to travel to the United States.

The record of proceeding forwarded by the Officer in Charge does not include a final decision regarding the applicant's application for a waiver of inadmissibility. The record contains decisions and documentation related to the applicant's brothers, Shantilal Pranjivan Rana, A24-079-144, and Harkisondas, P. Rana, A24-575-302, but no final decision related to the present application by Rameschchandra P. Rana, A24 575 301.

On appeal, counsel asserts that the applicant did not misrepresent a material fact in 1980 to procure a visa, was never issued an immigration visa and never entered the United States.

Without the complete record of proceeding and the final denial of the application for a waiver of grounds of inadmissibility the AAO cannot make a decision on the appeal.

In view of the foregoing, the application will be remanded to the Officer in Charge for further action. After preparing a proper record of proceeding the documentation should be resubmitted to the AAO for review.

**ORDER:** The matter is remanded to the Officer in Charge for further action consistent with the foregoing discussion.