



U.S. Citizenship
and Immigration
Services

H2

[REDACTED]

FILE:

[REDACTED]

Office: PHOENIX, ARIZONA

Date:

SEP 02 2004

IN RE:

Applicant:

[REDACTED]

APPLICATION:

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

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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

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identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

DISCUSSION: The waiver application was denied by the Interim District Director, Phoenix, Arizona, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant is a native and citizen of Sierra Leone. He was found to be inadmissible to the United States pursuant to section 212(a)(6)(C)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(ii), as an alien who falsely represents himself to be a citizen of the United States for any purpose or benefit under this Act. On September 27, 1997, the applicant attempted to procure admission into the United States at the San Ysidro Port of Entry by falsely representing himself to be a United States citizen. The applicant seeks a waiver of inadmissibility pursuant to section 244(c)(2)(A)(ii) of the Act, 8 U.S.C. § 1254(c)(2)(A)(ii) in order to remain in the United States under Temporary Protected Status (TPS).

The Interim District Director concluded that the applicant had failed to establish that he qualifies for a waiver for humanitarian reasons, to assure family unity or in the public interest. The application was denied accordingly. *See Interim District Director's Decision* dated July 21, 2003.

Section 212(a)(6)(C) of the Act provides, in pertinent part, that:

(ii) Falsely claiming citizenship-

(I) IN GENERAL- Any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under this Act (including section 274A) or any other Federal or State law is inadmissible.

Section 244 of the Act provides in pertinent part, that:

(c) Aliens Eligible for Temporary Protected Status.-

(2) Eligibility standards.-

(A) Waiver of certain grounds for inadmissibility.-In the determination of an alien's admissibility for purposes of subparagraph (A)(iii) of paragraph (1)-

(ii) except as provided in clause (iii), the Attorney General (now, Secretary, Homeland Security, "Secretary") may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. . . .

A review of the documentation in the record of proceedings reflects that the applicant's is single and has no family members in the United States. In addition the applicant has failed to present any documentation to show that his waiver application should be approved because of public interest.

On appeal the applicant states that his application should be approved for humanitarian purposes. The applicant states that he cannot return to his country of origin because he would be singled out by the rebel forces and killed. Additionally he states that he left Sierra Leone in 1997 because of the civil war. The

applicant talks about the country conditions in Sierra Leone and asserts that the country is an unsafe place for him due to the civil war and the killings that are going on in Sierra Leone.

The Department of State's, Bureau of Consular Affairs, Consular Information Sheet on Sierra Leone, dated July 7, 2003, states in part, that:

Security in Sierra Leone has improved significantly in the past year. The nationwide state of emergency and curfew has been lifted. In January 2002, disarmament by the Revolutionary United Front (RUF) and Civil Defense Force (CDF) was declared complete. Government forces have deployed around the country, including into areas previously held by the RUF, and the behavior of both the police and army has improved markedly following extensive international training efforts. However, government forces do not yet exercise complete authority. A large contingent of peacekeepers of the United Nations Mission in Sierra Leone (UNAMSIL) assists the government in providing security. Peaceful, successful, nationwide elections were held in May 2002.

In addition the AAO notes that the Secretary announced in the September 3, 2003, Federal Register, Volume 68, No. 170, that "Sierra Leone no longer meets the conditions for designation of TPS". The Secretary determined that the conclusion of the TPS designation of Sierra Leone was warranted because there was no longer an ongoing-armed conflict within Sierra Leone that would pose a serious threat to the personal safety of returning nationals of Sierra Leone.

Based on the above information, the AAO finds the applicant's assertion that Sierra Leone continues to be an unsafe country and that his application should be approved for humanitarian purposes to be unpersuasive.

In proceedings for application for waiver of grounds of inadmissibility under section 212(i) of the Act, the burden of proving eligibility remains entirely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. Here, the applicant has not met that burden. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.