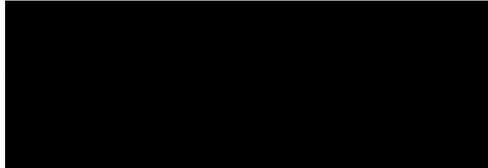




U.S. Citizenship
and Immigration
Services

H2



FILE: [REDACTED] Office: ACCRA, GHANA Date: SEP 20 2005

IN RE: [REDACTED]

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:

SELF-REPRESENTED

PUBLIC COPY

Identifying data deleted to
prevent identity unwarranted
disclosure of personal privacy

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 District Director, Accra, Ghana and is now before the Administrative Appeals Office (AAO) on appeal. The district director's decision is withdrawn and the matter remanded to the district director for further action consistent with this decision.

The applicant claims to be a native and citizen of Nigeria who 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 attempting to procure an immigrant visa to the United States by fraud or willful misrepresentation. *Decision of District Director*, dated February 18, 2004.

The district director concluded that the applicant submitted a false birth certificate and his true identity is not known. *Id.* The district director denied the Application for Waiver of Grounds of Excludability (Form I-601) for failing to establish extreme hardship to his U.S. citizen spouse. *Id.*

On appeal, the applicant's spouse asserts that she will suffer extreme hardship if the applicant is refused entry into the United States and she states that evidence is submitted to establish the applicant's identity. *Form I-290B*, dated May 25, 2005.

The AAO is unable to adjudicate the applicant's appeal as there are significant documents missing from the file. The applicant's spouse cites numerous, relevant exhibits in her support letter relating to her custody issues with her daughter, country conditions in Nigeria and the financial impact of departure (evidence of income and monthly expenses). *Letter in Support of Appeal*, dated April 30, 2004. The applicant's spouse also states that she has included evidence regarding the applicant's identity. *Form I-290B*. However, none of these documents are in the file. The AAO notes that both the waiver application and the Form I-290B were transferred between several locations, therefore, it is unclear where the documents are located. The AAO is unable to fairly adjudicate the case without affording the applicant an opportunity to resubmit the missing documents.

Therefore, this matter is being remanded to the district director in order for the file to be completed with the missing documents. If the district director is not in possession of these documents, the applicant shall be afforded the opportunity to resubmit the missing information. Upon completion of the file, the AAO will adjudicate the appeal.

ORDER: The matter is remanded to the district director for further action consistent with this decision.