



U.S. Citizenship
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Services

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[REDACTED]

FILE: [REDACTED] Office: MINNEAPOLIS, MN Date: JUL 07 2006

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:

[REDACTED]

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.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

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

The applicant is a native and citizen of Mexico who entered the United States without inspection in February 1996 and was found to be inadmissible to the United States under 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 presented a fraudulent temporary permanent resident card and social security card to obtain employment. The applicant married a U.S. citizen on June 24, 1999 and submitted an Alien Relative Petition on May 23, 2001 with a priority date of April 25, 2001. The applicant seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i) to reside in the United States with his U.S. citizen spouse.

The acting district director concluded that the applicant was ineligible to apply for the waiver of inadmissibility as his Alien Relative Petition (Form I-130), which established his basis for adjustment of status, was revoked on November 25, 2003. The revocation of the I-130 petition further established that the applicant did not have a qualifying relationship with a U.S. citizen. The application was denied accordingly. *Decision of the Acting District Director*, dated September 3, 2004.

On appeal, counsel states that the applicant's I-130 petition is still pending and has not been revoked, the applicant does not require a waiver of section 212(a)(6)(C)(i) of the Act because he committed fraud to obtain employment only, the applicant does have a qualifying relationship with a U.S. citizen and this U.S. citizen would suffer extreme hardship as a result of the applicant's inadmissibility. *Counsel's Brief*, undated.

The record indicates that on September 3, 2004, the date of the acting district director's decision, the applicant's Form I-130 had not been revoked. However, CIS records indicate that the applicant's Form I-130 was revoked on October 31, 2005. Thus, the acting district director's decision dated September 3, 2004 stating that the Form I-130 had been revoked was incorrect at the time, but since the I-130 has now been revoked, the decision remains the same. As there is no underlying petition to support the I-485 or the I-601 waiver application, both must be denied and the appeal dismissed as moot.

ORDER: The appeal is dismissed.