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FILE:



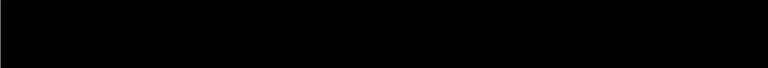
Office: ATLANTA, GA

Date:

JUN 21 2007

IN RE:

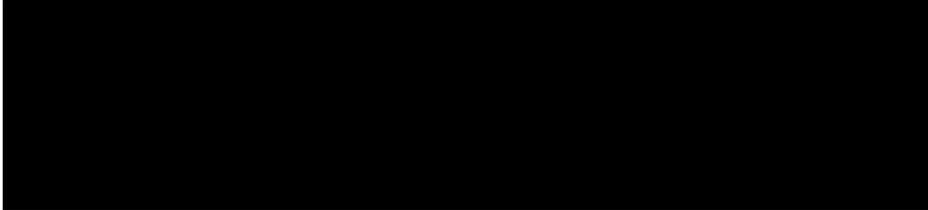
Applicant:



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, Chief  
Administrative Appeals Office

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

The applicant (Saleem Mohammad) is a native and citizen of Pakistan who 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). The applicant seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i).

The District Director concluded that the applicant failed to establish that extreme hardship would be imposed on a qualifying relative and accordingly denied the Application for Waiver of Grounds of Excludability (Form I-601). *Decision of the District Director*, dated October 9, 2003. Counsel submitted a timely appeal.

The record contains an Acknowledgement of Withdrawal Notice, dated November 9, 2005. In the withdrawal notice, the district director indicates that in a written statement dated November 1, 2005, the petitioner or her attorney representative requested to withdraw the I-130 petition submitted on behalf of the applicant. The record also contains the director's decision denying the I-485 due to the withdrawal of the visa petition on November 1, 2005. Because the underlying petitions have been withdrawn, there is nothing to support the Form I-601. The appeal will therefore be dismissed.

In proceedings for application for waiver of grounds of inadmissibility under section 212(a)(6)(C) of the Act, the burden of proving eligibility remains entirely with the applicant. *See* Section 291 of the Act, 8 U.S.C. § 1361. The applicant has not met that burden. Accordingly, the appeal will be dismissed.

**ORDER:** The appeal is dismissed.