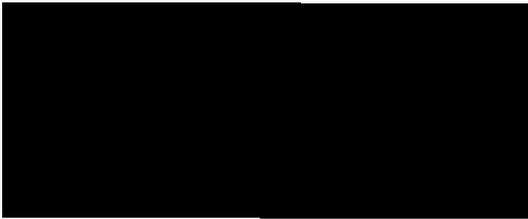


identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

PUBLIC COPY



H2

AUG 20 2008

FILE:



Office: LONDON

Date:

IN RE:

APPLICANT:



APPLICATIONS:

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

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 Field Office Director, London, United Kingdom, 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 Nigeria who initially entered the United States on June 19, 2000, on a B-2 nonimmigrant visa with authorization to remain in the United States until December 18, 2000. On May 14, 2001, the applicant's first United States husband filed a Petition for Alien Relative (Form I-130) on behalf of the applicant. On the same day, the applicant filed an Application to Register Permanent Resident or Adjust Status (Form I-485). On February 12, 2002, the applicant's Form I-130 was approved, and on the same day, the applicant adjusted her status to a lawful permanent resident. On November 21, 2002, the applicant was convicted of permitting/allowing an older person to suffer unjustified physical pain or mental suffering, and was sentenced to sixty (60) days in jail. On December 16, 2002, a Notice to Appear (NTA) was issued against the applicant. On January 23, 2003, an immigration judge terminated the immigration proceedings against the applicant. On February 12, 2004, the applicant filed a Petition to Remove the Conditions on Residence (Form I-751). On January 18, 2005, the District Director, Las Vegas, Nevada, denied the applicant's Form I-751 and terminated her lawful permanent residence status. On March 22, 2005, the applicant divorced her first husband. On an unknown date, the applicant departed the United States. On April 24, 2006, the applicant's second United States citizen husband filed a Form I-130 on behalf of the applicant. On August 15, 2006, the applicant's second Form I-130 was approved. On April 11, 2007, the applicant filed an Application for Waiver of Grounds of Excludability (Form I-601). On September 6, 2007, the Field Office Director denied the applicant's Form I-601. On October 2, 2007, the applicant filed an appeal of the Field Office Director's decision. With the appeal, applicant's counsel submitted a brief, evidence of money transfers to the applicant in London, and travel itineraries for the applicant's spouse.

8 C.F.R. § 201.1(a) provides, in pertinent part:

Types of petitions. Petitions may be filed for an alien's classification as an immediate relative under section 201(b) of the Act or as a preference immigrant under section 203(a) of the Act based on a qualifying relationship to a citizen or lawful permanent resident of the United States.

On June 16, 2008, the applicant's husband submitted a letter requesting "the cancellation and dismissal" of the applicant's Form I-130. *Letter from* [REDACTED] dated June 16, 2008. The applicant's husband states "[t]his decision of mine is based upon irreconcilable differences between [himself] and the [applicant]." *Id.* The AAO finds that since the applicant's Form I-130 has been withdrawn, there is no underlying petition to support the applicant's Form I-601, and the appeal will be dismissed.

**ORDER:** The appeal is dismissed.