



U.S. Citizenship
and Immigration
Services

H-2

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[REDACTED]

FILE:

[REDACTED]

Office: CHICAGO (MILWAUKEE)

Date: JUL 02

IN RE:

[REDACTED]

APPLICATION:

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

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Acting District Director, Chicago, Illinois, denied the waiver application. The matter is now on appeal before the Administrative Appeals Office (AAO) in Washington, DC. The application shall be remanded back to the director for a decision on the application.

The applicant is a native and citizen of Mexico who was found inadmissible to the United States pursuant to section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(2)(A)(i)(I), for committing a crime of moral turpitude. The applicant, who is married to a U.S. citizen, sought a waiver of inadmissibility under section 212(h) of the Act, which the acting district director denied due to the nature of the inadmissibility charge. *Decision of the Acting District Director, dated March 18, 2006.* The applicant submitted a timely appeal.

On appeal, counsel states that the director erred in not providing an explanation of the denial of the waiver application and in not approving it.

The AAO finds that counsel is correct in stating that the director failed to issue a written decision on the I-601 waiver application. It is noted that the I-485 denial letter conveys that the waiver application was denied; it does not explain, however, why it was denied. The regulation at 8 C.F.R. § 103.2(b)(19) states, in part, that an applicant shall be sent a written notice on an application. Because the director failed to render a separate written decision on the I-601 waiver application, this matter shall be remanded to the director to issue a decision on the waiver application. If the director's decision is adverse to the applicant it is to be certified to the AAO for review.

ORDER: The matter is remanded to the director for action consistent with the directives of this opinion.