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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

#2

[REDACTED]

FILE:

[REDACTED]

Office: SAN FRANCISCO

Date:

JUN 20 2008

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), 8 U.S.C. section 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 District Director, San Francisco, California, on August 27, 2001 and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as moot.

The applicant is a native and citizen of the Philippines who was found 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 attempted to procure admission to the United States by fraud or willful misrepresentation. The applicant is the beneficiary of an approved Petition for Alien Relative (Form I-130) filed by her U.S. citizen spouse and seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to remain in the United States with him.

The record reflects that the applicant used the passport and visa of an individual named [REDACTED] to obtain admission into the United States on June 8, 1989. The Form I-130 petition was filed on November 23, 1998 and approved on January 3, 2001. The applicant also filed an Application to Register Permanent Residence or Adjust Status (Form I-485) on November 23, 1998. The applicant filed an Application for Waiver of Grounds of Inadmissibility (Form I-601) on August 9, 2001.

The district director concluded that the applicant had failed to establish that extreme hardship would be imposed on a qualifying relative and denied the waiver application accordingly. *Decision of District Director*, dated August 27, 2001.

On September 26, 2001, the applicant filed a Form I-290B to appeal the district director's decision. The AAO has not previously rendered a decision on this appeal. Nevertheless, on July 2, 2002, the district director issued a decision to the applicant denying his Form I-485 adjustment application, stating erroneously that no appeal had been filed.

On June 30, 2003, the applicant's spouse filed another Form I-130 petition on the applicant's behalf. The petition was approved on February 26, 2004. The applicant also filed a new Form I-485 adjustment application on June 30, 2003 and a new Form I-601 waiver application on April 28, 2004.

The district director again concluded that the applicant had failed to establish that extreme hardship would be imposed on a qualifying relative and denied the second waiver application accordingly. *Decision of District Director*, dated July 20, 2004. On August 23, 2004, the applicant submitted a Form I-290B appealing the district director's decision.

The AAO finds that the filing of new I-485 and I-601 applications has rendered moot the applicant's appeal of the August 27, 2001 decision. The AAO is issuing a separate decision addressing the applicant's appeal of the July 20, 2004 decision. The AAO has considered all of the evidence in the record in rendering that decision, including evidence submitted in support of the applicant's first waiver application.

ORDER: The appeal is dismissed as moot.