

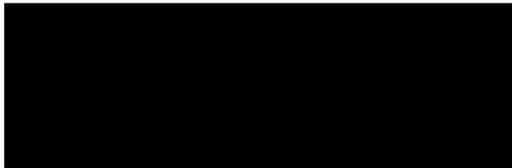


U.S. Citizenship  
and Immigration  
Services

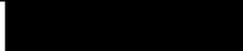
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identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

H3



FILE:



Office: SAN FRANCISCO, CALIFORNIA

Date: MAR 27 2007

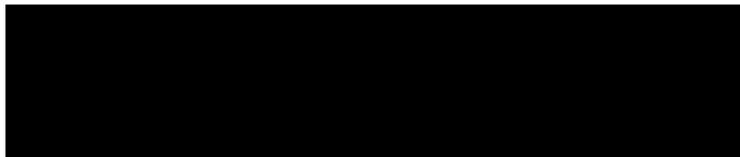
IN RE:

Applicant:



APPLICATION: Application for Waiver of Grounds of Inadmissibility under § § 212(a)(9)(B) and 212(i) of the Immigration and Nationality Act, 8 U.S.C. §§ 1182(i) and 1182(a)(9)(B)

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.

A handwritten signature in cursive script, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Application for a Waiver of Inadmissibility was denied by the District Director, San Francisco, California, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed, as the petitioner has withdrawn the underlying petition for alien relative.

The record indicates that the petition for alien relative was approved on September 5, 2002, and the district director denied the application for the waiver Form I-601 on May 18, 2004. On June 18, 2004, counsel submitted a timely appeal. However, on September 19, 2006, the petitioner, the applicant's husband, sent a letter to the AAO in which he writes that he wishes to withdraw the petition for alien relative on the applicant's behalf.<sup>1</sup> Without an underlying approved petition, the applicant has no basis on which to adjust her status to that of lawful permanent resident, and the waiver of inadmissibility is moot.

As the waiver application is moot, the appeal will be dismissed.

**ORDER:** The appeal is dismissed.

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<sup>1</sup> The AAO notes that the letter from the petitioner was forwarded by a new attorney. However, there was no Form G-28, Notice of Appearance as Attorney or Representative, submitted with the letter. As the applicant was represented by a different attorney, this decision is being forwarded to the applicant's attorney, though not to the attorney who is now apparently representing the petitioner.