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



U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE: [REDACTED] Office: VERMONT SERVICE CENTER Date: **JUN 17 2008**

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act; 8 U.S.C. § 1182(e).

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 Center Director, Vermont Service Center, and certified to the AAO for review. The center director's decision will be withdrawn and the instant application for a waiver of the two-year foreign residency requirement is declared moot.

The applicant is a native and citizen of Pakistan who was admitted into the United States as a J-1 nonimmigrant exchange visitor in June 2000 to participate in graduate medical training. The applicant is thus subject to the two-year foreign residence requirement under section 212(e) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(e). The applicant presently seeks a waiver of the two-year foreign residence requirement based on persecution on account of religion.

The center director determined that the applicant had already obtained a Form I-612 approval notice in November 2006, based on the U.S. Department of State's favorable recommendation of a waiver based on the applicant's commitment to work for a three-year period for a health care facility located in a designated shortage area.

The Department of State declined to recommend approval of this waiver application, because the applicant had already been granted a waiver. The center director found that this application could not be approved without the favorable recommendation of the Department of State, and denied the applicant's instant Form I-612. *Center Director's Notice of Certification*, dated May 20, 2008.

The record establishes that the applicant's two-year foreign residency requirement has been waived. As such, the instant Form I-612 application is moot. Accordingly, the center director's decision to deny the application will be withdrawn and the instant application for a waiver of the two-year foreign residency requirement based on persecution is declared moot.

**ORDER:** The center director's decision is withdrawn and the instant application for a waiver of the two-year foreign residency requirement based on persecution is declared moot.