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U.S. Citizenship  
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H4

[REDACTED]

FILE: [REDACTED]

OFFICE: ATHENS

DATE: OCT 21 2005

IN RE: APPLICANT: [REDACTED]

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

ON BEHALF OF PETITIONER:

[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, Director  
Administrative Appeals Office

**DISCUSSION:** The Officer in Charge (OIC), Athens denied the I-601 Application for Waiver of Grounds of Inadmissibility. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed, the previous decision of the OIC is withdrawn and the waiver application declared moot.

The applicant is a native and citizen of Cypress who was found to be inadmissible to the United States pursuant to section 212(a)(9)(B)(i)(I) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(B)(i)(I), for having been unlawfully present in the United States for more than 180 days and less than one year. The record indicates that the applicant was admitted to the United States on a B-2 visa on November 1, 2000, departed the United States voluntarily on April 30, 2002 and was unlawfully present for 11 months.

Section 212(a)(9)(B) of the Act, 8 U.S.C. § 1182(a)(9)(B), provides, in pertinent part:

(B) Aliens Unlawfully Present, -

(i) In general, - Any alien (other than an alien lawfully admitted for permanent residence) who -

(I) was unlawfully present in the United States for a period of more than 180 days but less than 1 year, voluntarily departed the United States...prior to the commencement of proceedings under section 235(b)(1) or section 240, and again seeks admission within 3 years of the date of such alien's departure or removal, ...is inadmissible.

The applicant departed the United States on April 30, 2002. It has now been more than three years since the departure that made the inadmissibility issue arise in his application. The applicant is now admissible and therefore does not require a waiver of inadmissibility.

**ORDER:** The appeal is dismissed, the prior decision of the OIC is withdrawn and the application for waiver of inadmissibility is declared moot.