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U.S. Department of Homeland Security  
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Washington, DC 20529

U.S. Citizenship  
and Immigration  
Services

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H4

FILE:

Office: BALTIMORE, MD

Date: JUN 26 2007

IN RE:

APPLICATION:

Application for Waiver of Grounds of Inadmissibility under section 212(a)(6)(A) of the  
Immigration and Nationality Act, 8 U.S.C. § 1182(a)(6)(A)

ON BEHALF OF APPLICANT: Self-represented

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 District Director, Baltimore, Maryland, denied the waiver application and it is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Honduras who is inadmissible to the United States pursuant to section 212(a)(6)(A)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(A)(i), as an alien present in the United States without inspection. The applicant is married to a citizen of the United States and is the father of three U.S. citizen children. He seeks a waiver of inadmissibility in order to reside in the United States with his wife and children.

The district director determined that the applicant was inadmissible pursuant to section 212(a)(6)(A)(i) of the Act, as an alien present in the United States without inspection for which there is no waiver available. The district director denied the Form I-601 accordingly. *See District Director's Decision* dated June 14, 2006.

The AAO notes that the regulation at 8 C.F.R. §§ 212.7(a) and (b) instructs individuals seeking adjustment of status to use the Form I-601 to file for waivers of inadmissibility under sections 212(a)(g), (h) and (i) of the Act. It does not authorize the use of the Form I-601 when an applicant for adjustment is inadmissible under section 212(a)(6)(A)(i) of the Act. Accordingly, the applicant in the present case may not seek a waiver of inadmissibility by filing the Form I-601, Application for Waiver of Grounds of Inadmissibility.

In proceedings for an application for waiver of grounds of inadmissibility under the Act, the burden of establishing that the application merits approval remains entirely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361. In this case, the applicant has not met his burden.

**ORDER:** The appeal is dismissed.