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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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FILE:



Office: MIAMI, FLORIDA

Date: MAY 9 1 2005

IN RE:



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

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.

*for*  
  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the Acting District Director, Miami, Florida and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed, the previous decision of the acting district director will be withdrawn and the application declared moot.

The applicant is a native of Colombia and citizen of Great Britain who was found inadmissible to the United States under § 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for having procured admission to the United States by fraud or willful misrepresentation. The applicant is the husband of a citizen of the United States and beneficiary of an approved petition for alien relative. The applicant seeks a waiver of inadmissibility pursuant to § 212(i) of the Act, 8 U.S.C. § 1182(i), in order to remain in the United States with his wife and children.

The district director concluded that the applicant had failed to establish that extreme hardship would be imposed on a qualifying relative and denied the Application for Waiver of Grounds of Excludability (Form I-601) accordingly. On appeal, the applicant submits copies of his British passport, naturalization certificate, and other documents related to his status in Great Britain.

Section 212(a)(6)(C) of the Act provides, in pertinent part, that:

- (i) Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible.

The record reflects that on April 10, 2000, the applicant entered the United States and was admitted as a British citizen. The acting district director concluded, for reasons not explained in the decision, that the applicant was not a British citizen; therefore, he found the applicant inadmissible under the above statutory provision.

Evidence on the record establishes that the applicant was born in Colombia, but that he naturalized as a citizen of Great Britain on April 11, 1994. He holds a British passport. No information in the record suggests that this documentation is invalid; hence, it must be concluded that the applicant did not misrepresent any facts when presenting himself for admission to the United States as a British subject. Therefore, he does not require a waiver of inadmissibility.

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