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



U.S. Citizenship
and Immigration
Services

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PUBLIC COPY



FILE:



Office: PHOENIX, AZ

Date: JUL 23 2007

IN RE:



APPLICATION:

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

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 application was denied by the Acting District Director, Phoenix, Arizona and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant is a citizen of Mexico who entered the United States on March 1, 1999 without inspection.

The acting district director found that the record did not indicate that a Form I-485, Application to Register Permanent Resident or Adjust Status, had been filed by the applicant. The acting district director concluded that the Form I-601, Application for Waiver of Ground of Inadmissibility, was thus improperly filed and denied the application accordingly. *Decision of the Acting District Director*, dated October 31, 2005.

On appeal, the applicant contends that he did file the Form I-485 and Form I-601, and states that he is submitting copies of the originally filed Form I-485 and Form I-601. *Form I-290B*, dated November 30, 2005.

The record includes copies of a Form I-140, Immigrant Petition for Alien Worker, showing the applicant as the beneficiary; an ETA 750, Application for Alien Employment Certification; a Form I-485, a Form I-601 and a Form I-765, Application for Employment Authorization. The record shows that the Form I-765 was filed on May 24, 2002 and the Form I-601 was filed on June 19, 2002. The record does not, however, include any documentation indicating that the Form I-485 was ever filed with Citizenship and Immigration Services (CIS). There is also no proof that the ETA 750 was certified by the Department of Labor or that the Form I-140 benefiting the applicant was approved by CIS. In addition, the Form I-601 does not indicate a ground of inadmissibility or the qualifying relationship with a U.S. citizen and/or lawful permanent resident required for waiver eligibility.

In proceedings for application for a waiver of grounds of inadmissibility under section 212 of the Act, the burden of proving eligibility remains entirely with the applicant. *See* section 291 of the Act, 8 U.S.C. § 1361. Here, the applicant has not met that burden. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.