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U.S. Department of Homeland Security  
U. S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090

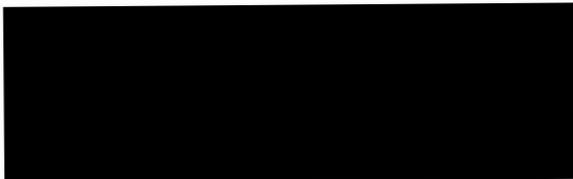


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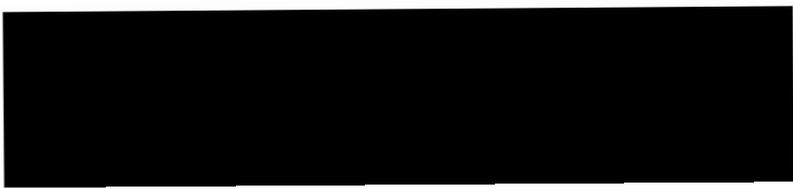


FILE: [REDACTED] Office: MEXICO CITY (CIUDAD JUAREZ) Date:  
(AAO 07 209 50100 and CDJ 2004 807 335 relate)

IN RE: Applicant: [REDACTED]

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

ON BEHALF OF APPLICANT:



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.

Perry Rhew  
Chief, Administrative Appeals Office

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 The appeal will be dismissed, the previous decision of the district director will be withdrawn and the application declared moot.

The record establishes that the applicant, a native and citizen of Mexico, entered the United States without authorization in February 1997 and did not depart the United States until November 2005. The applicant accrued unlawful presence from April 1, 1997, the date of the enactment of the unlawful presence provisions, until her departure in November 2005. The applicant was thus found to be inadmissible to the United States pursuant to section 212(a)(9)(B)(i)(II) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(B)(i)(II), for having been unlawfully present in the United States for more than one year. The applicant seeks a waiver of inadmissibility in order to reside in the United States with her U.S. citizen spouse 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 Ground of Excludability (Form I-601) accordingly. *Decision of the District Director*, dated May 9, 2007.

Subsequent to filing the above-referenced appeal, the record establishes that in October 2008, the applicant submitted a second Form I-601, which was approved on October 15, 2008. The applicant was consequently admitted to the United States as a CR-1, Spouse of a United States Citizen, on October 16, 2008. *See Admission Stamp*, dated October 16, 2008. Therefore, the instant waiver application is moot.

**ORDER:** The appeal is dismissed, the prior decision of the district director is withdrawn and the instant application for a waiver of inadmissibility under section 212(a)(9)(B)(v) of the Act is declared moot.