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



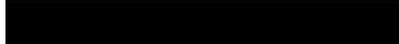
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DATE: **JUL 05 2012**

OFFICE: PANAMA CITY, PANAMA

File: 

IN RE:

Applicant: 

APPLICATION:

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

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Field Office Director, Panama City, Panama. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant's spouse sent a notarized letter, dated June 1, 2012, to U.S. Citizenship and Immigration Services (USCIS) indicating that, as the Form I-130 petitioner for the applicant, he wishes to withdraw all petitions he has submitted on the applicant's behalf, including the Form I-130, Petition for Alien Relative, because he and the applicant are divorcing. The letter includes a statement and signature from the petitioner attesting to his wish to withdraw all outstanding petitions, applications, and appeals filed on behalf of the applicant. Accordingly, the Form I-130 Petition for Alien Relative is withdrawn. This withdrawal cannot be retracted. 8 C.F.R. § 103.2(b)(6).

The filing of a Form I-601 waiver application is predicated on the necessity to demonstrate admissibility, which in this case is a requirement for obtaining an immigrant visa based on marriage to a U.S. citizen. The applicant's eligibility to apply for an immigrant visa on this basis is dependent on approval of the Form I-130 petition filed by her spouse.

The purpose of the Form I-130 petition is to establish for immigration purposes the validity of the marriage relationship between the applicant and her spouse. In the absence of an approved I-130 petition, the applicant is not entitled to apply for an immigrant visa based on her marriage to a U.S. citizen, and her waiver application cannot be approved regardless of whether a waiver is available for any ground of inadmissibility.

In the absence of an underlying approved Form I-130, Petition for Alien Relative, the Form I-601, Application for Waiver of Grounds of Inadmissibility, is not necessary. The appeal of the denial of the waiver must therefore be dismissed.

ORDER: The appeal is dismissed.