

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



U.S. Citizenship
and Immigration
Services

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[REDACTED]

DATE: NOV 26 2012

Office: LIMA, PERU

[REDACTED]

IN RE: [REDACTED]

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

ON BEHALF OF APPLICANT:

[REDACTED]

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.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630, or a request for a fee waiver. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Field Officer Director, Lima, Peru, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as the waiver application is unnecessary.

The applicant is a native and citizen of Peru who was found to be inadmissible to the United States under sections 212(a)(6)(C)(i) and 212(a)(9)(B)(i)(II) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1182(a)(6)(C)(i) and 1182(a)(9)(B)(i)(II), for seeking to procure an immigration benefit through fraud or misrepresentation and having been unlawfully present in the United States for more than one year and seeking readmission within 10 years of his last departure from the United States. The applicant seeks a waiver of inadmissibility pursuant to sections 212(i) and 212(a)(9)(B)(v) of the Act, 8 U.S.C. §§ 1182(i) and 1182(a)(9)(B)(v).

The field office director concluded that the applicant failed to establish that a denial of his waiver application would result in extreme hardship to a qualifying U.S. citizen relative and denied the application accordingly. *See Decision of the Field Office Director* dated June 13, 2011. On appeal, the applicant claims that denial of his waiver application would result in extreme hardship to his step-father. *See Appeal Brief*.

The AAO notes that approval of the Form I-130, Application for Alien Relative, which was filed on the applicant's behalf, was revoked by the Director, California Service Center on September 21, 2011. The applicant is not the beneficiary of any other immigrant visa petition. The revocation of the approved Form I-130 has thus eliminated the immigrant visa petition underlying the applicant's request for admission to the United States and required for the filing of a Form I-601, Application for Waiver of Grounds of Inadmissibility. As the viability of the Form I-601 is based on the Form I-130, the appeal in this matter will be dismissed as unnecessary because of the absence of an approved underlying petition.

ORDER: The appeal is dismissed.