

(b)(6)



U.S. Citizenship  
and Immigration  
Services

DATE: SEP 05 2013

OFFICE: SAN FERNANDO

FILE: [REDACTED]

IN RE: [REDACTED]

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

ON BEHALF OF APPLICANT:  
[REDACTED]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,

A handwritten signature in black ink that reads "Ron Rosenberg".

Ron Rosenberg  
Chief, Administrative Appeals Office

**DISCUSSION:** The Field Office Director, San Fernando, California denied the waiver application and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Thailand who was found to be inadmissible to the United States under section 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 entry to the United States by fraud or willful misrepresentation. The applicant seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to remain in the United States with her spouse.

The Field Office Director determined that the applicant failed to demonstrate hardship to a qualifying relative and denied the application accordingly. *See Decision of the Field Office Director* dated October 4, 2012.

The record reflects that on November 13, 2012, the Field Officer Director denied the Form I-130, Petition for Alien Relative, filed on behalf of the applicant by her spouse. The applicant's spouse appealed the denial of the Form I-130 with the Board of Immigration Appeals, signed December 3, 2012. There is no indication that the Field Officer Director's Form I-130 denial has been overturned. Accordingly, the applicant is no longer eligible for an immigrant visa because the underlying Petition for Alien Relative has been denied. The appeal will be dismissed, as there is no longer an approved petition based upon which the applicant can adjust her status in the United States. Accordingly, no purpose would be served in granting a waiver of inadmissibility.

**ORDER:** The appeal is dismissed.