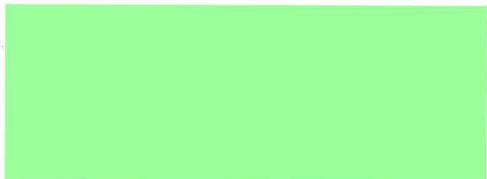


(b)(6)

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Service
Office of Administrative Appeals
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



DATE: **MAY 08 2014** OFFICE: ALBUQUERQUE

FILE:  consolidated therein)

IN RE: Applicant:
AKA



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

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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

The applicant is a native and citizen of Mexico who was found inadmissible under section 212(a)(6)(C)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(ii), for having made a false claim to U.S. citizenship.¹ The applicant seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i), based on extreme hardship to her U.S. citizen father and U.S. lawful permanent resident mother.

In a decision dated July 27, 2012, the Field Office Director concluded that the applicant was inadmissible under section 212(a)(6)(C)(ii) of the Act for having made a false claim to U.S. citizenship and as a result was not eligible for a waiver of inadmissibility.

On appeal, the applicant states that the Field Office Director's decision is incorrect, as the date cited for her submission of the Form I-601, Application for Waiver of Grounds of Inadmissibility (Form I-601), September 27, 2005, does not correspond with the date she states that she submitted it. *See Form I-290B, Notice of Appeal or Motion*, filed August 24, 2012 and received by the AAO on December 24, 2013. The applicant does not address the substance of the Field Office Director's decision on appeal.

In support of the waiver application, the record includes, but is not limited to: complaints to the Jerecuaro, Guanajuato, police department in Spanish and accompanying translations into English; a letter from the applicant's physician in Spanish with accompanying translation into English; a police clearance report for the applicant; letters of support; medical records for the applicant's family members; and documentation of the applicant's immigration and criminal history. The entire record was reviewed and considered in rendering a decision on the appeal.

Section 212(a)(6)(C) of the Act provides, in pertinent part:

- (i) Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible.

(ii) Falsely claiming citizenship. –

(I) In General –

¹ The applicant was also twice ordered removed pursuant to section 235(b)(1) of the Act, 8 U.S.C. § 1225(b)(1), on January 31, 1998 and January 8, 2000, and as a result is inadmissible under Section 212(a)(9)(A)(i) of the Act, 8 U.S.C. § 1182(a)(9)(A)(i), for a period of 20 years following her removal. That ground of inadmissibility is addressed through Form I-212, Application for Permission to Reapply for Admission after Deportation or Removal, which is not before the AAO at this time.

Any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under this Act (including section 274A) or any other Federal or State law is inadmissible.

...

(iii) Waiver authorized. – For provision authorizing waiver of clause (i), see subsection (i).

The record makes clear that the applicant attempted to gain admission to the United States on January 8, 2000, by presenting herself as a U.S. citizen, using a birth certificate issued in New Mexico to someone other than herself. In secondary inspection the applicant revealed her valid identity as a native and citizen of Mexico and, in a sworn statement, admitted that she had attempted to gain admission to the United States as a U.S. citizen. She was found to be inadmissible under section 212(a)(6)(C)(ii) of the Act and was processed for removal under section 235(b)(1) of the Act.²

Moreover, on January 31, 1998 the applicant was found inadmissible under section 212(a)(6)(C)(i) of the Act for attempting to gain admission to the United States through fraud or misrepresentation when she presented a valid I-551, Alien Registration Card, issued to an individual other than herself at the Ysleta port-of-entry. She was apprehended, found inadmissible, and ordered removed under section 235(b)(1).

As noted by the Field Office Director in her decision denying the applicant's Form I-601, there is no waiver available for inadmissibility under section 212(a)(6)(C)(ii) of the Act. Section (a)(6)(C)(ii) is a permanent ground of inadmissibility. The applicant submits documentation regarding hardship to her qualifying relatives, her U.S. citizen father and U.S. lawful permanent resident mother, but because she is statutorily ineligible for relief under 212(a)(6)(C)(ii) of the Act, no purpose would be served in discussing whether she has established eligibility for a waiver under section 212(i) of the Act or whether she would merit the waiver as a matter of discretion.

In application proceedings, it is the applicant's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is dismissed.

² The applicant was also convicted of violating 8 U.S.C. Sec. 1325(a)(3), for Attempting to Enter the United States by Making a Willfully False Representation and Willfully Concealing a Material Fact before the U.S. District Court, Western District of Texas-El Paso Division. On January 11, 2000 she was sentenced to 3 years of probation.