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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. A3042  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

28

FILE:

Office: BALTIMORE, MARYLAND

Date: SEP 22 2005

IN RE:

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

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the District Director, Baltimore, Maryland and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed, as no waiver is available to the applicant.

The applicant is a native and citizen of El Salvador who is married to a United States citizen and is the beneficiary of an approved petition for alien relative. The applicant entered the United States without inspection, and his immigrant visa priority date is not on or before April 30, 2001. The district director therefore found that the applicant had failed to establish eligibility for benefits under § 245(i) of the Act.

On appeal, the applicant asserts that his children and wife will suffer extreme hardship; therefore, he should be granted a waiver of inadmissibility. The AAO notes, however, that the applicant was not found to be inadmissible under any waivable grounds; thus, an application for a waiver of grounds of inadmissibility does not apply and was correctly denied. The applicant is simply not eligible to adjust status, because his petition for alien relative was not filed by the § 245(i) cut-off date of April 30, 2001.

**ORDER:** The appeal is dismissed. The waiver application is moot, since the applicant was not found to be inadmissible.