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U.S. Citizenship
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[Redacted]

FILE: [Redacted] Office: MEXICO CITY (CIUDAD JUAREZ) **DUE: 27 2010**
and [Redacted] (relate)

IN RE: Applicant: [Redacted]

PETITION: Application for Waiver of Ground of Inadmissibility under section 212(a)(9)(B)(v) of the
Immigration and Nationality Act (the Act), 8 U.S.C. section 1182(a)(9)(B).

ON BEHALF OF PETITIONER:

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.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
for

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Field Office Director, Ciudad Juarez, Mexico, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as moot.

The record reflects that the applicant is a native and citizen of Mexico who was found to be inadmissible to the United States pursuant to section 212(a)(9)(B)(i)(II) of the Act, 8 U.S.C. § 1182(a)(9)(B)(i)(II), for having been unlawfully present for more than one year and seeking readmission within 10 years of her last departure. The applicant seeks a waiver of inadmissibility pursuant to section 212(a)(9)(B)(v) of the Act, 8 U.S.C. § 1182(a)(9)(B)(v), in order to reside in the United States as a lawful permanent resident.

The field office director found that the applicant failed to establish extreme hardship to a qualifying relative and denied the application accordingly. *Decision of the District Director*, dated April 23, 2008.

Upon review, the record reflects that there is no underlying basis for the present waiver application. The applicant filed the present waiver application based on her eligibility for lawful permanent residence due to her marriage to a U.S. citizen and an approved Form I-130 relative petition that he filed on her behalf. However, on May 24, 2005, the applicant's husband submitted a letter to United States Citizenship and Immigration Services (USCIS) requesting cancellation of the immigrant petition he filed on behalf of the applicant. Based on this correspondence, on April 15, 2010 USCIS revoked the approval of the Form I-130 relative petition. The Form I-130 petition was the basis for the applicant's eligibility for admission as an immigrant. Without an approved Form I-130 petition, the applicant's Form I-601 application for a waiver is moot. The appeal of the denial of the waiver must therefore be dismissed as moot.

ORDER: The appeal is dismissed.