

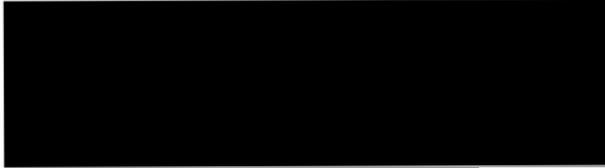
identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

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



**U.S. Citizenship
and Immigration
Services**



11

FILE:



Office: LOS ANGELES (SANTA ANA)

Date:

JAN 07 2010

IN RE:

Applicant:



APPLICATION:

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

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 that reads "Michael Shumway".

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the District Director, Los Angeles, California, and is now before the Administrative Appeals Office (AAO) on appeal. The decision of the District Director will be withdrawn as the applicant is not inadmissible, the waiver application will be declared moot, and the appeal will be dismissed.

The applicant is a native and citizen of Honduras who was found to be inadmissible to the United States under section 212(a)(1)(A)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(1)(A)(i), as an alien who is determined to have a communicable disease of public health significance, specifically Human Immunodeficiency Virus (HIV).

The AAO notes that on January 4, 2010, the Centers for Disease Control and Prevention (CDC), within the U.S. Department of Health and Human Services (HHS), amended its regulations to remove HIV infection from the definition of communicable disease of public health significance. Therefore, the AAO finds that the applicant is no longer inadmissible into the United States based solely on the ground that he is infected with HIV. As such, the issue of whether the applicant has established eligibility for a waiver under section 212(g)(1) of the Act is moot and need not be addressed.

ORDER: The decision of the District Director is withdrawn as the applicant is not inadmissible, the waiver application is declared moot, and the appeal is dismissed. The matter is returned to the District Director for continued processing of the applicant's Form I-485 Application to Register Permanent Resident or Adjust Status.