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U.S. Citizenship
and Immigration
Services

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H/2

[Redacted]

FILE:

[Redacted]

Office: ST. PAUL, MINNESOTA

Date:

JUN 18 2008

IN RE:

[Redacted]

APPLICATION:

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

ON BEHALF OF PETITIONER:

[Redacted]

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 "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application was denied by the District Director, St. Paul, Minnesota. 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 Mexico who was found to be inadmissible to the United States 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 of U.S. citizenship for the purposes of obtaining employment. At the time the waiver application was filed, the applicant was married to a U.S. citizen and was the beneficiary of an approved Petition for Alien Relative. The applicant seeks a waiver of inadmissibility in order to remain in the United States with his spouse.

The district director concluded that the applicant was statutorily ineligible for a waiver because he is inadmissible under section 212(a)(6)(C)(ii) of the Act and there is no waiver for this ground of inadmissibility. The application was denied accordingly. *See Decision of District Director* dated December 20, 2005.

On appeal, counsel asserts that the applicant's presentation of a false birth certificate to a private business for the purposes of obtaining employment does not constitute a false claim of U.S. citizenship under section 212(a)(6)(C)(ii) of the Act, and the application for adjustment of status should be granted. On April 28, 2008, the applicant's wife submitted a letter indicating that she and the applicant were now divorced and that she wished to withdraw any petition she had filed on behalf of the applicant. *See letter from* [REDACTED] dated April 28, 2008. A copy of the divorce decree dated February 27, 2008 was also submitted.

The applicant is no longer eligible for adjustment of status because the underlying Petition for Alien Relative has been withdrawn and the petitioner has divorced the applicant. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.