

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

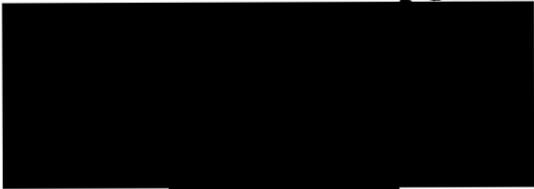
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

H2



FILE: [Redacted] Office: SACRAMENTO, CA Date: SEP 11 2008

IN RE: Applicant: [Redacted]

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

ON BEHALF OF APPLICANT:
[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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Acting Field Office Director, Sacramento, California, denied the Form I-601, Application for Waiver of Grounds of Inadmissibility. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant is a 25-year-old native and citizen of Jordan who was found to be inadmissible to the United States pursuant to section 212(a)(6)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C), for having sought to obtain an immigration benefit by fraud. The applicant is married to Allen Alyadak, a 45-year-old citizen of the United States. She seeks a waiver of inadmissibility in order to remain to the United States and obtain lawful permanent resident status on the basis of a Form I-130, Petition for Alien Relative filed by her spouse on her behalf.

The acting field office director found the applicant to be inadmissible, and denied the application for a waiver. The officer determined that the applicant had failed to establish that her spouse would face extreme hardship. The application was denied on August 2, 2007 and this appeal followed.

On October 2, 2007, the field office director revoked the Form I-130, Petition for Alien Relative, underlying the applicant's adjustment of status application. The revocation is currently pending on appeal with the Board of Immigration Appeals.

The viability of the Form I-601, Application for Waiver of Grounds of Inadmissibility, is dependent on an adjustment of status application that is, in turn, based on an approved Form I-130, Petition for Alien Relative. In the absence of an underlying approved Form I-130, Petition for Alien Relative, the Form I-601, Application for Waiver of Grounds of Inadmissibility, is moot. The appeal of the denial of the waiver must therefore be dismissed as moot.

ORDER: The appeal is dismissed.