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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]

OFFICE: MIAMI, FL

Date: APR 08 2009

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:



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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. 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. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Acting District Director, Miami, Florida, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed, the previous decision of the acting district director will be withdrawn and the application declared moot.

The applicant is a native and citizen of Haiti. The record reveals that in January 1994, the applicant attempted entry to the United States by presenting a passport and Temporary Resident Card belonging to another individual. The applicant was found to be inadmissible to the United States under section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for having attempted to procure entry into the United States by fraud or willful misrepresentation.¹ The applicant sought a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i).

The district director concluded that as the applicant did not have a United States citizen or lawful permanent resident spouse or parent, he was statutorily ineligible for a waiver of inadmissibility pursuant to section 212(i) of the Act. The district director denied the Form I-601, Application for Waiver of Grounds of Inadmissibility (Form I-601) accordingly. *Decision of the Acting District Director*, dated July 3, 2001.

The record establishes that the applicant filed a second Form I-601 in August 2006, which was subsequently denied by the District Director, Miami, Florida, on October 26, 2006 and appealed timely to the AAO. The AAO has sustained that appeal and has ordered the district director to reopen on motion the denial of the Form I-485, Application to Register Permanent Residence or Adjust Status, submitted in March 2005, and continue to process the adjustment application accordingly. Therefore, the instant appeal is moot. Thus, no purpose would be served in discussing whether the applicant has established extreme hardship to a qualifying relative under section 212(i) of the Act. Accordingly, the instant appeal will be dismissed, the prior decision of the acting district director is withdrawn and the instant application for a waiver of grounds of inadmissibility is declared moot.

ORDER: The appeal is dismissed, the prior decision of the acting district director is withdrawn and the instant application for a waiver of grounds of inadmissibility is declared moot.

¹ The applicant does not contest the acting district director's finding of inadmissibility. Rather, he is filing for a waiver of inadmissibility.