



U.S. Citizenship
and Immigration
Services



H2

FILE: Office: MEXICO CITY (CIUDAD JUAREZ) Date: DEC 18 2009
and CDJ 2004 739 633 relate)

IN RE: Applicant:



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

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.

Perry Rhew
Chief, Administrative Appeals Office

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 The appeal will be dismissed, the previous decision of the district director will be withdrawn and the application declared moot.

The record establishes that the applicant, a native and citizen of Mexico, entered the United States without authorization in 1999 and did not depart the United States until November 2005. The applicant was thus found to be inadmissible to the United States pursuant to section 212(a)(9)(B)(i)(II) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(B)(i)(II), for having been unlawfully present in the United States for more than one year. The applicant seeks a waiver of inadmissibility in order to reside in the United States with his U.S. citizen spouse and child.

The district director concluded that the applicant had failed to establish that extreme hardship would be imposed on a qualifying relative and denied the Application for Waiver of Ground of Excludability (Form I-601) accordingly. *Decision of the District Director*, dated September 14, 2006.

Subsequent to submitting the Form I-290B, Notice of Appeal (Form I-290B), dated October 3, 2006, the record establishes that in September 2008, the applicant submitted a second Form I-601, which was approved on October 3, 2008. The applicant was consequently admitted to the United States as a IR-1, Spouse of a United States Citizen, on October 6, 2008. *See Admission Stamp*, dated October 6, 2008. Because the applicant is now a lawful permanent resident, further pursuit of the matter at hand is moot.

ORDER: The appeal is dismissed, the prior decision of the district director is withdrawn and the instant application for a waiver of inadmissibility under section 212(a)(9)(B)(v) of the Act is declared moot.