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U.S. Citizenship
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Services

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FILE:

Office: JACKSONVILLE, FL

Date: FEB 03 2009

IN RE:

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.

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Officer-in-Charge, Jacksonville, Florida, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as the waiver application is moot.

The applicant is a native and citizen of the Philippines who was found to be inadmissible to the United States pursuant to section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for procuring admission into the United States by fraud or willful misrepresentation. The applicant has a U.S. citizen spouse. She seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to reside in the United States.

The officer-in-charge 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 Grounds of Inadmissibility (Form I-601) accordingly. *Decision of the Officer-in-Charge*, at 4, dated September 8, 2006.

On appeal, prior counsel asserts that the decision was erroneous and the applicant has demonstrated eligibility for a waiver. *Brief in Support of Appeal*, at 1, undated.

The record includes, but is not limited to, counsel's brief, the applicant's statement, the applicant's spouse's statement, a psychological evaluation of the applicant's spouse, letters of support for the applicant, and country conditions information on the Philippines. The entire record was reviewed and considered in arriving at a decision on the appeal.

The record reflects that on December 29, 1996, the applicant was admitted to the United States with a fraudulent passport. As a result of this misrepresentation, the applicant is inadmissible to the United States under section 212(a)(6)(C)(i) of the Act.

Section 212(a)(6)(C) of the Act provides, in pertinent part, that:

- (i) Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible.

The record reflects that the applicant received lawful permanent residence on November 10, 2008. As the applicant is currently a lawful permanent resident, the waiver application is moot.

The burden of proving eligibility for a waiver under section 212(i) of the Act rests with the applicant. *See Section 291 of the Act, 8 U.S.C. § 1361*. The AAO finds that in the present case, no purpose would be served in adjudicating the Form I-601 waiver as the applicant is a lawful permanent resident. Accordingly, the appeal will be dismissed as the waiver application is moot.

ORDER: The appeal is dismissed as the waiver application is moot.