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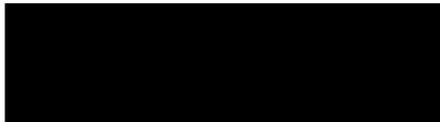
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:



Office: DETROIT, MI

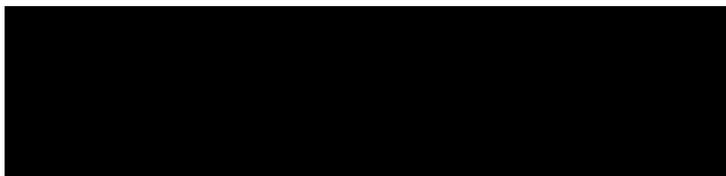
Date: **JAN 10 2011**

IN RE:



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

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

- If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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 \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Michael Stumway

for Perry Rhew

Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the District Director, Detroit, Michigan and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Japan who was found to be inadmissible to the United States pursuant to section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(2)(A)(i)(I), for having committed a crime involving moral turpitude. The applicant seeks a waiver of inadmissibility pursuant to section 212(h) of the Act, 8 U.S.C. § 1182(h), in order to remain in the United States with her U.S. citizen spouse and three children.

In a decision dated January 26, 2006, the district director found that the applicant had failed to establish extreme hardship to her qualifying relatives and did not warrant a favorable exercise of discretion. The application was denied accordingly.

The record indicates that the applicant was then referred to immigration court where she was ordered removed and departed the United States on February 1, 2010. The applicant's case was closed on February 3, 2010.

Although the applicant filed an appeal in 2006, her subsequent removal has resulted in her Application to Adjust Status or Register Lawful Permanent Residence (Form I-485) and her waiver application (Form I-601) being invalid.

As the applicant is now outside of the United States she must apply for an immigrant visa through consular processing with a new waiver application and an Application to Apply for Permission to Reapply for Admission (Form I-212).

The applicant's February 5, 2010 removal has resulted in her Application to Adjust Status or Register Lawful Permanent Residence (Form I-485) and her waiver application (Form I-601) being invalid. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.