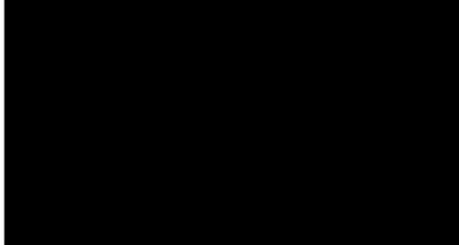




U.S. Citizenship  
and Immigration  
Services



H2

DATE: **DEC 20 2012**

Office: GUANGZHOU, CHINA

FILE: 

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:

SELF-REPRESENTED

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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

A handwritten signature in black ink that reads "Ron Rosenberg".

Ron Rosenberg  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the Field Office Director, Guangzhou, China, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and a citizen of China who was found to be inadmissible to the United States pursuant to section 212(a)(2)(A)(i)(I) of the Act for having committed a crime involving moral turpitude.<sup>1</sup> The applicant is the spouse of a lawful permanent resident of the United States and the beneficiary of an approved Petition for Alien Relative. The applicant seeks a waiver of inadmissibility pursuant to sections 212(h) of the Act, 8 U.S.C. §§ 1182(h), in order to reside in the United States with her spouse.

The director also found the applicant inadmissible pursuant to 212(a)(6)(C)(ii)(I) of the Act for falsely representing herself to be a U.S. citizen in attempt to procure admission to the United States. The director concluded that the applicant is not eligible for a waiver as a matter of law, as there is no provision under the Act that provides for a waiver of section 212(a)(6)(C)(ii)(I). *See Decision of the Field Office Director*, dated November 30, 2011.

On appeal, the applicant asserts that she did not know that the fraudulent passport she presented was a U.S. passport. *See Form I-290B, Notice of Appeal or Motion*, dated December 16, 2011.

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

(ii) Falsely claiming citizenship. -

- (I) In General – Any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under this Act . . . or any other Federal or State law is inadmissible.
- (II) Exception – In the case of an alien making a representation described in subclause (I), if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of making such representation that he or she was a citizen, the alien shall not be considered to be inadmissible under any provision of this subsection based on such representation.

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<sup>1</sup> The applicant has not disputed this finding on appeal. Because the applicant is also inadmissible under section 212(a)(6)(C)(ii) of the Act, for which no waiver is available, the AAO will not review the determination of the applicant's inadmissibility under section 212(a)(2)(A)(i)(I).

The record reflects that in January 2005, the applicant attempted to board a plane bound for the United States using a U.S. passport. The applicant was convicted and imprisoned for several months in China for using a fraudulent U.S. passport.

On appeal, the applicant asserts that she was not aware that the passport she presented was a U.S. passport. However, the applicant provides no corroborating evidence for her assertion. The assertions of the applicant are relevant evidence and have been considered. However, absent supporting documentation, these assertions are insufficient to meet her burden of proof. *See Matter of Kwan*, 14 I&N Dec. 175 (BIA 1972) ("Information in an affidavit should not be disregarded simply because it appears to be hearsay; in administrative proceedings, that fact merely affects the weight to be afforded it."). Going on record without supporting documentary evidence generally is not sufficient for purposes of meeting the burden of proof in these proceedings. *See Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). The AAO finds her assertions alone insufficient to overcome the evidence in the record indicating her use of a fraudulent U.S. passport.

Furthermore, the applicant does not claim and there is no evidence in the record indicating that she applicant is admissible under the exception described at section 212(a)(6)(C)(ii)II of the Act.

Because the applicant made a false claim to U.S. citizenship after September 30, 1996, in order to gain admission into the United States, she is not eligible for waiver. Therefore, the appeal will be dismissed.

**ORDER:** The appeal is dismissed.