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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

Date: APR 02 2013

Office: SAN BERNADINO

FILE: [REDACTED]

IN RE: Applicant: [REDACTED]

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.

Thank you,

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Acting Chief, Administrative Appeals Office

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

The applicant is a native and citizen of the Mexico who submitted an Application to Register Permanent Residence or Adjust Status (Form I-485) on April 21, 2011. On August 12, 2011, the field office director denied the Form I-485, stating that the applicant is ineligible to apply for adjustment of status in the United States under Section 245(a) or Section 245(i) of the Immigration and Nationality Act.

On September 6, 2011, the applicant filed an Application for Waiver of Grounds of Inadmissibility (Form I-601). The Form I-601 failed to identify any grounds of inadmissibility for the applicant.

On September 19, 2012, the field office director denied the Form I-601, stating that the service records reflect that the applicant is not inadmissible, and as the filing of the Form I-601 served no purpose, the application was denied. The field office director advised that if the applicant wishes to appeal the decision, the applicant may file an appeal. The applicant subsequently filed Form I-290B, Notice of Appeal or Motion.

The AAO notes that in the decision of September 19, 2012, under the section for applicable law and discussion, the field office director cited section 212(a)(2)(A)(i)(I) of the Act (Conviction for Certain Crimes), and proceeds with a discussion of the applicable law and case law related to the requirements for granting a waiver. However, the AAO finds no evidence of any crimes that may have been committed by the applicant which would render the applicant inadmissible under section 212(a)(2)(A)(i)(I) of the Act or any other actions that would make the applicant inadmissible. However, as noted by the field office director, the applicant is ineligible to apply for adjustment of status in the United States. If the applicant wished to contest that decision she should have filed a motion to reopen the field office director's August 12, 2011 denial of the Form I-485.

The record does not identify any grounds of inadmissibility for the applicant. As such, there is no purpose in filing the Form I-601 and, therefore, no action that the AAO can take on this case.

ORDER: The appeal is dismissed