



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

MATTER OF L-S-

DATE: OCT. 8, 2015

APPEAL OF OAKLAND PARK FIELD OFFICE DECISION

APPLICATION: FORM I-601, APPLICATION FOR WAIVER OF GROUNDS OF  
INADMISSIBILITY

The Applicant, a native and citizen of Slovakia, seeks a waiver of inadmissibility. *See* Immigration and Nationality Act (the Act) § 212(h), 8 U.S.C. § 1182(h). The Field Office Director, Oakland Park, Florida, denied the application. The matter is now before us on appeal. The matter will be remanded to the Field Office Director for further proceedings consistent with the foregoing opinion and for the entry of a new decision, which, if adverse, shall be certified to us review.

On September 25, 2014, the Field Office Director issued a decision to deny the Form I-601 because the Field Office Director determined that the Applicant did not have a pending application for adjustment of status.

In a separate decision issued on the same day, the Applicant's Form I-485, Application to Register Permanent Residence or Adjust Status, was denied by the Field Office Director because the Applicant's Form I-601 was denied on October 14, 2010 and a subsequent appeal was rejected by this office in March 2012.

On appeal, the Applicant maintains that she filed a second Form I-601 in September 2012, before the I-485 was denied in September 2014, and the merits of that application were not addressed in the Field Office Director's decision to deny the Form I-601 in September 2014.

We note that in the Field Office Director's decision from September 2014 to deny the Form I-485, the Field Office Director only references the Form I-601 that was filed by the Applicant in August 2010 and subsequently denied on October 14, 2010. We thus concur with the Applicant that the Field Office Director's decision does not establish that the applicant's September 2012 Form I-601 has been denied on its merits. We thus find it necessary to remand the present matter to the Field Office Director for a new decision outlining the merits of the applicant's September 2012 Form I-601. If the new decision is adverse to the applicant, the decision shall be certified to this office for review.

*Matter of L-S-*

**ORDER:** The matter is remanded to the Field Office Director for further proceedings consistent with the foregoing opinion and for the entry of a new decision, which, if adverse, shall be certified to us review.

Cite as *Matter of L-S-*, ID# 13217 (AAO Oct. 8, 2015)