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U.S. Department of Homeland Security  
20 Massachusetts Avenue NW, Rm. 3000  
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U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE:

[REDACTED]

Office: SAN ANTONIO, TEXAS

Date: JAN 26 2007

IN RE:

[REDACTED]

APPLICATION:

Application for Waiver of Grounds of Inadmissibility

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the District Director for Services, San Antonio, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as moot.

The record reflects that the applicant is a native and citizen of Mexico, who is married to a United States citizen. The applicant is the beneficiary of an approved Petition for Alien Relative (Form I-130). On September 13, 2004, the applicant filed an Application for Waiver of Grounds of Excludability (Form I-601); however, he failed to state a ground of inadmissibility/excludability.

The District Director found that the applicant failed to identify any ground or grounds of inadmissibility and denied the Form I-601 accordingly. *District Director Decision*, dated May 26, 2005.

On appeal, the applicant's wife apologizes for not fully filling out the I-601, and requests that her husband have the opportunity to return to the United States. *See statement from [REDACTED] attached to Form I-290B*, filed June 1, 2005. The applicant's stepdaughter states that her mother "is always sick and suffers from throat and liver disease." *Statement from [REDACTED] attached to Form I-290B*, filed June 1, 2005. However, there was no medical evidence submitted demonstrating that Ms. [REDACTED] suffers from any disease.

A review of the record reflects no indication that the applicant is even inadmissible to the United States. When the applicant applies for a visa in Mexico, he will be interviewed by a consular officer. Once the consular officer makes a determination on the applicant's admissibility, and if the applicant is found to be inadmissible, the applicant may then file a Form I-601, if he decides to do so. If he has already been interviewed for his visa, he should contact the office where he was interviewed to determine what further actions he needs to take.

**ORDER:** The appeal is dismissed as moot as it has not been established that the applicant is inadmissible.