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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

H5

[redacted]

FILE: [redacted] Office [redacted] Date: AUG 2 5 2010

IN RE: Applicant: [redacted]

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

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 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 $585. 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,

Ellen C. Johnson

Perry Rhew
Chief, Administrative Appeals Office

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

The record indicates that the applicant, a native and citizen of Nigeria, attempted to procure a nonimmigrant visa on multiple occasions using different names and dates of birth. The applicant was thus found to be inadmissible to the United States under section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for having attempted to procure entry to the United States by fraud and/or willful misrepresentation.[1] The applicant seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to obtain a K-1, Fiancé(e) visa, which would permit her to enter the United States and marry Benedict O. Fagbeyiro, a U.S. citizen and the petitioner of the Form I-129F, Petition for Alien Fiancé(e)(Form I-129F), filed on behalf of the applicant in December 2007 and subsequently approved in October 2008

The field office director concluded that the applicant had failed to establish that extreme hardship would be imposed on a qualifying relative and denied the Application for Waiver of Ground of Inadmissibility (Form I-601) accordingly. *Decision of the Field Office Director,* dated May 22, 2009.

On August 9, 2010, the AAO received a letter from the applicant's U.S. citizen fiancé, Benedict O. Fagbeyiro, the petitioner of the Form I-129F, advising that he no longer wished to sponsor the applicant for a K-1, Fiancé(e) Visa as they "are no longer together in a relationship...." *Letter from Benedict Fagbeyiro,* dated August 2, 2010.

Section 205.1 of Title 8 of the Code of Federal Regulations states, in pertinent part:

> (a) Reasons for automatic revocation. The approval of a petition...made under section 204 of the Act...is revoked as of the date of approval:
>
> (3) If any of the following circumstances occur...before the decision on his or her adjustment application becomes final:
>
> (i) Immediate relative and family-sponsored petitions, other than Amerasian petitions. (A) Upon written notice of withdrawal filed by the petitioner...with any officer of the Service who is authorized to grant or deny petitions.

As the petitioner of the Form I-129F has provided written notice of withdrawal with respect to his sponsorship of the applicant, no purpose would be served in reviewing appeal of the Form I-601 submitted by the applicant as there is no longer an underlying application for a K-1 Visa.

ORDER: The appeal is dismissed.

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[1] The applicant does not contest the field office director's finding of inadmissibility. Rather, she is filing for a waiver of inadmissibility.