

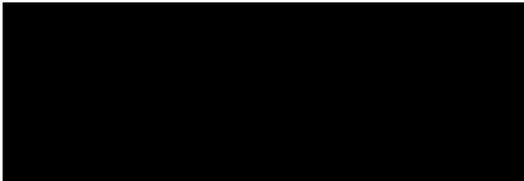
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: COLUMBUS, OHIO

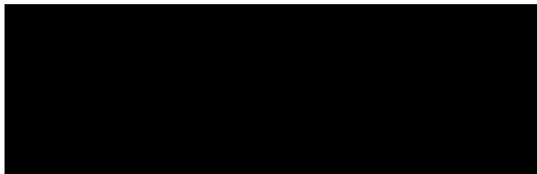
Date:

MAR 21 2011

IN RE: [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:



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 \$630. 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,

Perry Rhew
Chief, Administrative Appeals Office

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

The applicant is a native and citizen of Nigeria who obtained admission into the United States on December 20, 2000, at Atlanta, Georgia, under the Visa Waiver Program through the use of a fraudulent passport from the United Kingdom. He was 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 procured admission to the United States through fraud or misrepresentation. The applicant is the beneficiary of an approved Immigrant Petition for Alien Relative (Form I-130). The applicant seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to reside in the United States with his wife and stepchildren.

In a decision dated June 9, 2008, the Field Office Director found that the applicant failed to establish that his qualifying relative would experience extreme hardship as a consequence of his inadmissibility. The application was denied accordingly. *See Decision of the Field Office Director* dated June 9, 2008.

The applicant applied for Adjustment of Status on July 22, 2003, and his application was denied on June 9, 2008. The applicant was thereafter removed from the United States on October 31, 2008 pursuant to 8 C.F.R. § 217.4(c) and section 237(a)(1)(B) of the Act. The applicant has been living outside the United States since his removal in 2008, and it is necessary that he file a Form DS-230, Application for Immigrant Visa and Alien Registration with the United States Consulate in Nigeria, where he resides. The regulation at 8 C.F.R. § 212.7(a) and the instructions of Form I-601 further provide that for individuals living outside the United States, Form I-601 must be submitted to the U.S. Embassy or consulate where the applicant is applying for a visa. The Director of the Columbus, Ohio Field Office therefore no longer has jurisdiction over the applicant's application for waiver of inadmissibility.

As the applicant was removed from the United States, he must now apply for an immigrant visa at the U.S. Consulate in Nigeria. There is currently no underlying application for admission pending upon which to base a Form I-601 waiver application, and the Columbus, Ohio Field Office Director no longer has jurisdiction over the waiver application. The appeal in the present matter will therefore be dismissed.

ORDER: The appeal is dismissed.