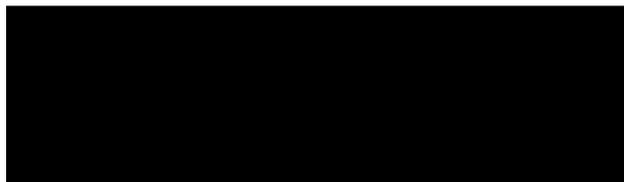


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invasion of personal privacy
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC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



U.S. Citizenship
and Immigration
Services



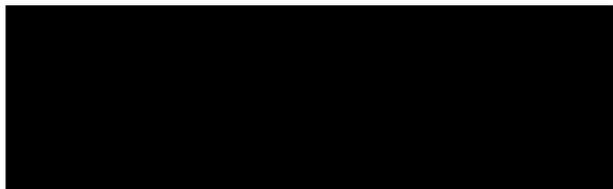
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Date: Office: CHICAGO, ILLINOIS FILE 

IN RE: OCT 11 2011 

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.

Thank you,


Perry Rhew

Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Field Office Director, Chicago, Illinois. 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 Pakistan who 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 using someone else's passport to procure entrance into the United States on July 12, 2005. The applicant seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to live in the United States with her husband and their daughter.

The Field Office Director concluded that the applicant failed to establish that a bar to her admission to the United States would result in extreme hardship to the qualifying relative and denied the application accordingly. See *Decision of the Field Office Director* dated September 30, 2008.

The applicant's attorney submitted an appeal brief in support of the applicant's waiver application. In the brief, the applicant's attorney contends that the qualifying spouse will encounter financial, emotional, psychological and physical hardships if the applicant is not able to remain in the United States. Further, the applicant's attorney contends that the qualifying spouse will suffer from poor economic and political conditions should he relocate to Pakistan. The applicant's attorney also asserts that the qualifying spouse's length of stay and family ties to the United States should also be taken into consideration with regard to his hardships.

The record contains the following documentation: the original Application for Waiver of Grounds of Inadmissibility (Form I-601), a Notice of Appeal (Form I-290B), an appeal brief from the applicant's attorney, financial documentation, county condition materials for Pakistan, affidavits from the applicant and qualifying spouse, reference letters regarding the applicant, birth certificates for the qualifying relative and his daughter and his daughter's scholastic records, a marriage certificate and documentation submitted with the Application to Adjust Status (Form I-485). The entire record was reviewed and considered in rendering a decision on the appeal.

The record indicates that the applicant applied for Adjustment of Status on July 28, 2005, and her application was denied on September 30, 2008. The applicant was thereafter ordered removed in absentia from the United States on May 4, 2009. Government records further indicate that the applicant departed the United States on or about March 18, 2009. It is therefore necessary that the applicant file a Form DS-230, Application for Immigrant Visa and Alien Registration with the United States Consulate where she is residing. 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 Field Office Director in Chicago, Illinois therefore no longer has jurisdiction over the applicant's application for waiver of inadmissibility.

As the applicant is outside the United States, she must now apply for an immigrant visa at the U.S. Consulate in the location where she resides. There is currently no underlying application for admission pending upon which to base a Form I-601 waiver application, and the Chicago, Illinois

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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.