

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

[REDACTED]

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Date: DEC 05 2012 Office: CALIFORNIA SERVICE CENTER [REDACTED]

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:

[REDACTED]

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,

Ron Rosenberg  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The decision of the Director will be withdrawn and the case shall be remanded to the Director to issue a new decision addressing the merits of the applicant's Application for Waiver of Grounds of Inadmissibility (Form I-601). If the decision on the Form I-601 is adverse to the applicant, the Director shall certify the matter to the AAO for review.

On October 22, 2010, the Director denied the applicant's Form I-601 because the applicant failed to comply with the instructions for filing a Form I-601. Specifically, the applicant's Form I-601 was not accompanied by a copy of the Form I-797C, Notice of Action, showing a Form I-485 was filed on her behalf. On November 23, 2010, the applicant, through counsel, filed an appeal of the Director's decision and provided the Form I-797C showing that a Form I-485 was filed on behalf of the applicant on October 24, 2010.

Therefore, since the applicant has provided the Form I-797C, the AAO will remand the case to the Director to issue a new decision addressing the merits of the applicant's waiver application.

**ORDER:** The decision of the Director is withdrawn and the matter is remanded to the Director to issue a new decision addressing the merits of the applicant's application. If the decision on the Form I-601 is adverse to the applicant, the Director shall certify the matter to the AAO for review.