

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 20 2012** Office: PHILADELPHIA, PA

FILE: [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 Field Office Director, Philadelphia, Pennsylvania, and is now before the Administrative Appeals Office (AAO) on appeal. The case shall be remanded to the Field Office Director in order to address applicant's current immigration status.

The record reflects that the applicant is a native and citizen of Colombia who was found to be inadmissible to the United States pursuant to section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for attempting to procure admission to the United States through fraud or the willful misrepresentation of a material fact. The record indicates that the applicant is married to a U.S. citizen and the mother of two U.S. citizen children and one lawful permanent resident child. She is the beneficiary of an approved 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 her spouse and children.

Following the denial of the Application for Waiver of Grounds of Inadmissibility (Form I-601), it appears that the applicant may have been granted lawful permanent resident status. The record contains a memo from the California Service Center dated November 16, 2011, which states the applicant's Petition for Alien Relative, Form I-130, was administratively closed that day because she "has already acquired lawful permanent resident status through other means." However, the Form I-130 does not clearly indicate that it was administratively closed after its approval on May 12, 2010. The AAO notes that after a review of the record and search of available databases, it could not be determined whether the applicant was granted lawful permanent resident status.

Therefore, because of the discrepancy in the record regarding the applicant's lawful permanent resident status, the AAO will remand the case to the Field Office Director to address this issue. If the applicant is a lawful permanent resident of the United States, then the applicant does not need to file a Form I-601 and further pursuit of the matter at hand is moot. If the applicant is not a lawful permanent resident of the United States, the Field Office Director shall certify the matter to the AAO for review.

ORDER: The matter is remanded to the Field Office Director in order to address the status of the applicant's immigration status. If the applicant is determined to not be a lawful permanent resident, the Field Office Director shall certify the matter to the AAO for review.