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



U.S. Citizenship  
and Immigration  
Services



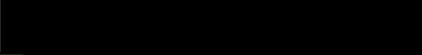
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DATE: SEP 18 2012

OFFICE: LOS ANGELES, CALIFORNIA

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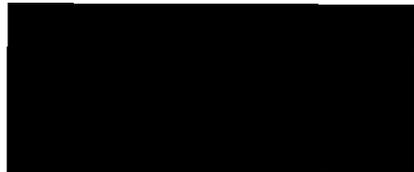
IN RE:

Applicant: 

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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the field office or service center that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

A large, stylized handwritten signature in black ink, appearing to read "Perry Rhew".

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the Field Office Director, Los Angeles, California on April 4, 2005. The matter came before the AAO on appeal, and the appeal was dismissed. Counsel for the applicant provided additional information to the AAO on February 1, 2007, and the AAO will reopen the matter *sua sponte*. The appeal will be dismissed, as the applicant has already obtained a waiver and the Form I-601 waiver application is unnecessary, as discussed below.

The applicant is a native and citizen of Mexico 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 seeking to procure a visa, other documentation, or admission into the United States or other benefit provided under the Act by willful misrepresentation. 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 U.S. citizen spouse and children.

The record shows that the applicant filed the present Form I-601 waiver application on December 11, 2001 which was denied by the field office director on April 4, 2005. The applicant timely filed an appeal on May 4, 2005 indicating on the Form I-290B that a brief and/or additional evidence would be submitted to the AAO within 30 day. On January 7, 2007 counsel was sent a letter by facsimile transmission informing him that the AAO had not received any brief or additional evidence, and requesting that counsel transmit by facsimile within five business days, a copy of any such brief and/or additional evidence previously submitted. The AAO issued a decision on January 31, 2007 dismissing the appeal due to a failure to respond to the facsimile and provide sufficient assertions or evidence to support the appeal. The record shows that in a letter dated February 1, 2007, counsel asserted that the additional evidence was delivered to the AAO on June 22, 2005. The applicant provided a copy of a U.S. Postal Service Express Mail receipt dated June 20, 2005. Counsel included a copy of the documents previously provided. The AAO finds that the record establishes by a preponderance of the evidence that counsel submitted the additional evidence as asserted, such that the AAO may reach the merits of the applicant's claims.

Accordingly, the AAO will reopen the applicant's Form I-290B appeal *sua sponte*. However, the applicant filed a new Form I-601 on or about February 15, 2010. The application was denied by the field office director, and the applicant filed a Form I-290B appeal with the AAO. The AAO has sustained that appeal in a separate decision, and thus his new Form I-601 waiver application has been approved and the applicant has obtained a waiver of her grounds of inadmissibility. Accordingly, the applicant's first Form I-601 waiver application, which is the subject of the present appeal, is unnecessary. Therefore, the present appeal will be dismissed.

**ORDER:** The matter is reopened *sua sponte*. The appeal is dismissed.