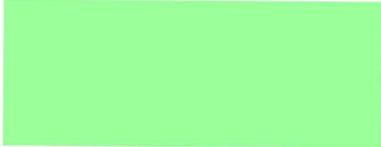


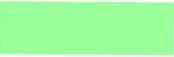
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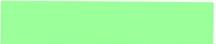
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services



Date: **AUG 01 2013** Office: BANGKOK, THAILAND FILE: 

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:

SELF-REPRESENTED

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements. See also 8 C.F.R. § 103.5. Do not file a motion directly with the AAO.**

Thank you,


f.

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the District Director, Bangkok, Thailand. An appeal was remanded by the Administrative Appeals Office (AAO). A motion to reopen was dismissed by the AAO. The matter is now before the AAO on motion. The motion will be dismissed.

The applicant is a native and citizen of Burma 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 seeking to procure a visa to the United States through fraud or misrepresentation. The record indicates that the applicant applied for an immigrant visa on two occasions based upon a fraudulent marital relationship. The applicant does not contest this finding of inadmissibility, but rather seeks a waiver of inadmissibility under section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to reside in the United States with his U.S. citizen wife.

The district director concluded that the applicant failed to establish that extreme hardship would be imposed on a qualifying relative and denied the Form I-601 accordingly. *See Decision of the District Director*, dated December 28, 2010. The applicant appealed this decision to the AAO. On October 14, 2012, the AAO remanded the decision to the district director, noting that the record indicates that the applicant attempted or conspired to enter into a marriage for the purpose of evading the immigration laws, and, as such, under Section 204(c) of the Act, the Form I-130, Petition for Alien Relative, should not have been approved. The AAO remanded the matter to the district director to initiate proceedings for the revocation of the approved Form I-130 petition, pursuant to 8 C.F.R. § 205.2. *Decision of the AAO*, dated October 15, 2012.

The record indicates that on April 9, 2013, the Petition for Alien Relative, Form I-130, filed by the applicant's spouse on behalf of the applicant, was revoked. The AAO, in its previous decision, noted that in the absence of an approved I-130 petition, the applicant's immigrant visa application cannot be approved, and as the applicant is not eligible to apply for an immigrant visa, no purpose would be served in adjudicating the Form I-601 waiver of inadmissibility. The motion to reopen/reconsider was consequently dismissed. *Decision of the AAO*, dated May 17, 2013.

The applicant subsequently submitted a third Notice of Appeal or Motion (Form I-290B), filing a motion to reconsider. A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy. A motion to reconsider a decision on an application or petition must, when filed, also establish that the decision was incorrect based on the evidence of record at the time of the initial decision. 8 C.F.R. § 103.5(a)(3). A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4).

The applicant has failed to assert that the decision of the AAO was based on an incorrect application of law or Service policy, based on the evidence of record at the time of the decision. Further, the motion does not specify any pertinent precedent decisions to establish that the AAO's decision was based on an incorrect application of law or Service policy. As such, the appeal will be dismissed in accordance with 8 C.F.R. § 103.5(a)(4).

ORDER: The motion is dismissed.