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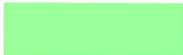


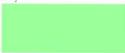
U.S. Citizenship  
and Immigration  
Services



Date: **FEB 27 2013**

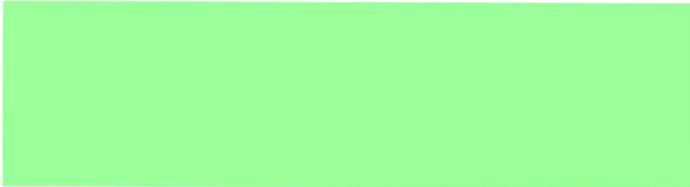
Office: SAN JOSE

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)

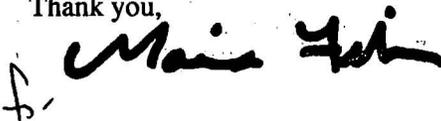
ON BEHALF OF APPLICANT:



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, San Jose, California, and is now before the Administrative Appeals Office (AAO) on appeal. The matter will be remanded for further action consistent with this decision.

The applicant is a native and citizen of the China 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 procuring admission to the United States through fraud or misrepresentation.

The record indicates that the applicant filed Form I-601, Application for Waiver of Grounds of Inadmissibility on April 29, 2010. The field office director denied the waiver application on June 29, 2010. On July 30, 2010, the applicant filed Form I-290B, Notice of Appeal or Motion, as a motion to reopen and reconsider, together with a brief and supporting documents. The field office director denied this motion on March 28, 2011. On April 27, 2011, the applicant filed a second Form I-290B, Notice of Appeal or Motion, as an appeal to the AAO, together with a brief and supporting documents.

The Record of Proceedings for the matter received by the AAO did not contain Form I-601 or the documentation submitted in support of the waiver application. Without a copy of the waiver application or supporting evidence, the AAO cannot adjudicate an appeal of the denial of that application. Because the Record of Proceedings forwarded to the AAO does not contain a copy of the waiver application, the AAO finds it necessary to remand the present matter to the field office director so that the waiver application may be located. Once these documents are located, the Record of Proceedings shall be forwarded to the AAO for adjudication of the appeal.

**ORDER:** The matter is remanded to the field office director for further action as described above.