

(b)(6)

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

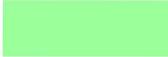


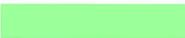
U.S. Citizenship
and Immigration
Services



Date: **JUN 19 2013**

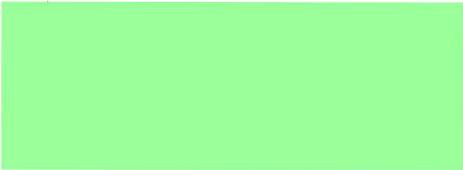
Office: JACKSONVILLE, FL

FILE: 

IN RE: Applicant: 

PETITION: Application for Waiver of Grounds of Inadmissibility pursuant to section 212(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(i)

ON BEHALF OF PETITIONER:



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 in accordance with the instructions on 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. 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 handwritten signature in black ink that reads "Ron Rosenberg".

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Field Office Director, Jacksonville, Florida. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of China who was found to be inadmissible to the United States pursuant to section 212(a)(6)(C)(i) of the Act for willful misrepresentation of a material fact in order to procure an immigration benefit, and section 212(a)(6)(C)(ii) of the Act for making a false claim to U.S. citizenship. The applicant is married to a U.S. citizen and seeks a waiver of inadmissibility pursuant to section 212(i) of the Act in order to reside with his wife and child in the United States.

The field office director found that there is no waiver available for a false claim to U.S. citizenship and that the applicant failed to establish extreme hardship to a qualifying relative. The field office director denied the application accordingly.

On appeal, the applicant's wife submits a new letter describing her hardship as well as copies of medical records.

Section 212(a)(6)(C) of the Act provides, in pertinent part:

(i) Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible.

(ii) Falsely claiming citizenship. –

(I) In General –

Any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under this Act (including section 274A) or any other Federal or State law is inadmissible.

....

(iii) Waiver authorized. – For provision authorizing waiver of clause (i), see subsection (i).

The record shows that the applicant attempted to enter the United States on June 6, 2002, using a fraudulent U.S. passport under the name [REDACTED] a copy of which is contained in the record. The AAO notes that the applicant has conceded his inadmissibility under section

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212(a)(6)(C)(ii) of the Act while represented by counsel. *See, e.g., Affidavit of Jian Jun He*, dated July 31, 2002.

Because the applicant attempted to enter the United States using a fraudulent U.S. passport, he is inadmissible to the United States for making a false claim to U.S. citizenship. There is no waiver of this permanent ground of inadmissibility. Accordingly, no purpose would be served in examining the applicant's eligibility for a waiver of any other grounds of inadmissibility and the appeal will be dismissed.

ORDER: The appeal is dismissed.