



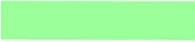
**U.S. Citizenship
and Immigration
Services**

(b)(6)



DATE: JUN 28 2013

OFFICE: OMAHA, NE

FILE: 

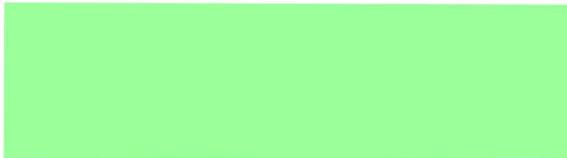
IN RE:

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.

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. **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 handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg
Acting Chief, Administrative Appeals Office

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

The applicant is a native and citizen of Lebanon who has resided in the United States since May 9, 2011, when he was admitted pursuant to a B-1/B-2 nonimmigrant visa. He 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 having procured that visa to the United States through fraud or misrepresentation. The applicant is the spouse of a U.S. citizen and was the beneficiary of an approved Petition for Alien Relative. The applicant seeks a waiver of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to remain in the United States with his U.S. citizen spouse.

The Field Office Director concluded that the applicant's representations with respect to his visa application render him inadmissible under section 212(a)(6)(C)(i) of the Act. *See Decision of Field Office Director* dated October 26, 2012. The Field Office Director additionally found the applicant failed to demonstrate extreme hardship to a qualifying relative and denied the application accordingly. *Id.*

On appeal, counsel submits a brief in support, as well as a copy of evidence submitted with the initial I-601 application. In the brief, counsel asserts that the applicant is not inadmissible under section 212(a)(6)(C)(i) of the Act because he was uncertain about the legal status of his marriage in Lebanon, any representations made with respect to that marriage were in any event immaterial, and his silence on the matter during the interview cannot constitute misrepresentation. Counsel contends if the AAO affirms the Field Office Director's finding of inadmissibility, the applicant has met his burden of proof in establishing his qualifying relative would experience extreme hardship given his inadmissibility.

The record includes, but is not limited to, statements from the applicant and his spouse, medical and financial records, evidence of birth, marriage, divorce, residence, and citizenship, documentation on the visa application, other applications and petitions, and letters from family and friends. The entire record was reviewed and considered in rendering a decision on the appeal.

On May 28, 2013, the applicant's wife submitted a letter that states,

My name is [REDACTED] and I am writing in regards to an I-485 application to register permanent residence and an I-130 petition [for] alien relative to stay in the United States with me. This application was for [REDACTED] my husband. I am writing to ask that this application, petition and subsequent application for a waiver of intent to deny I-601 and the appeal for the denial of the waiver I-601 all be withdrawn.

We were married on June 1, 2011 and since then have separated and I am in the process of filing for divorce. . . . *See letter from* [REDACTED] dated May 28, 2013

The applicant is no longer eligible for adjustment of status because the underlying Petition for Alien Relative (Form I-130) has been withdrawn. As he is not eligible to apply for adjustment of status, there is no need to adjudicate the Form I-601 waiver of inadmissibility. Further, the information provided in the letter dated May 28, 2013, including the fact that the applicant and his spouse are living separately and the applicant's spouse is in the process of filing for divorce, refutes the applicant's claim that denial of his waiver application would result in extreme hardship to his U.S. Citizen wife as required by section 212(i) of the Act. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.