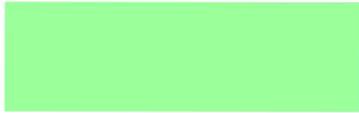


(b)(6)

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

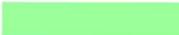


U.S. Citizenship
and Immigration
Services

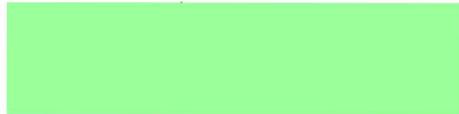


DATE: **MAR 07 2013**

OFFICE: NEWARK, NJ

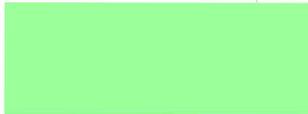
FILE: 

IN RE:



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 that reads "Ron Rosenberg".

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Form I-601, Application for Waiver of Grounds of Inadmissibility (Form I-601) was denied by the Field Office Director, Newark, New Jersey, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects the applicant is a native and citizen of Haiti, who was found to be inadmissible to the United States pursuant to section 212(a)(6)(C)(ii)(I) of the Immigration and Nationality Act (the Act), 8 U.S.C. §1182(a)(6)(C)(ii)(I), for falsely representing herself to be a U.S. citizen for a purpose or benefit under the Act. The applicant is also inadmissible under section 212(a)(6)(C)(i) of the Act, 8 U.S.C. 1182(a)(6)(C)(i), for attempting to procure admission to the United States through fraud or willful misrepresentation of a material fact. The applicant is married to a U.S. citizen, and she is the beneficiary of an approved Form I-130, Petition for Alien Relative. She 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 husband and children.

In a decision dated May 10, 2012, the director denied the applicant's waiver application, finding that no waiver was available for the applicant's inadmissibility under section 212(a)(6)(C)(ii)(I) of the Act.¹

On appeal, counsel asserts on the applicant's behalf that the applicant is not inadmissible under section 212(a)(6)(C)(ii)(I) of the Act because she fled Haiti to escape persecution; she was unaware the document she presented to U.S. immigration officials was a U.S. passport; and she did not intentionally claim U.S. citizenship upon entry into the United States. Counsel asserts further that the applicant's husband would experience extreme hardship if the applicant is denied admission into the country, and indicates the waiver application should be approved. No new evidence is submitted on appeal. Previously submitted evidence includes a letter from the applicant's husband, U.S. birth certificates for their children, and country-conditions information.

The entire record was reviewed and considered in rendering a decision on the appeal.

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

(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 . . . or any other Federal or State law is inadmissible

(II) Exception--In the case of an alien making a representation described in subclause (I), if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United

¹ A previously filed Form I-601 waiver application was denied on October 18, 2005 for the same reason. The October 2005 decision was not appealed.

States prior to attaining the age of 16, and the alien reasonably believed at the time of making such representation that he or she was a citizen, the alien shall not be considered to be inadmissible under any provision of this subsection based on such representation.

Aliens making false claims to U.S. citizenship on or after September 30, 1996, the date of enactment of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, are inadmissible under section 212(a)(6)(C)(ii)(I) of the Act and are ineligible for waiver consideration.

Upon review of the record, the AAO finds that the applicant is inadmissible under section 212(a)(6)(C)(ii)(I) of the Act. Counsel submits no evidence to corroborate assertions that the applicant was unaware she presented a U.S. passport to immigration officials on February 2, 1997, when she attempted to enter the country; moreover, evidence in the record clearly reflects the applicant knowingly sought entry into the United States by claiming to be a U.S. citizen. According to her February 3, 1997, signed sworn statement, the applicant told a U.S. immigration inspector that she paid \$100 for a U.S. passport issued under the name [REDACTED] and she presented the passport to U.S. immigration officials on February 2, 1997 to try to enter the country to live with her family. Additionally, the record includes a summary of the applicant's statement in the form of a memorandum dated February 3, 1997, prepared by the immigration inspector who questioned her about the passport and her attempted entry.

There is no statutory waiver available for the ground of inadmissibility arising under section 212(a)(6)(C)(ii)(I) of the Act, and the record fails to demonstrate that the applicant qualifies for the exception described in section 212(a)(6)(C)(ii)(II) of the Act. As the applicant's inadmissibility under section 212(a)(6)(C)(ii)(I) of the Act statutorily bars her admission to the United States, the AAO finds no purpose would be served in considering whether she is able to establish eligibility for a waiver under section 212(i) of the Act. The appeal shall therefore be dismissed.

ORDER: The appeal is dismissed.