



U.S. Citizenship
and Immigration
Services

(b)(6)



Date: **MAR 09 2013**

Office: BANGKOK 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 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,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Field Office Director, Bangkok, Thailand. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be remanded to the Field Office Director for further proceedings consistent with this decision.

The applicant is a native and citizen of Laos 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 attempting to procure admission to the United States through fraud or misrepresentation. The record reflects that the applicant altered her date of birth in an effort to make her age sufficient for a valid marriage. The applicant is the beneficiary of an approved Petition for Alien Relative (Form I-130). The applicant seeks a waiver of inadmissibility to reside in the United States.

The Field Office Director found that the applicant failed to establish that she had a qualifying relative as she had failed to provide evidence that her marriage to a U.S. citizen was legally valid. The application was denied accordingly. *See Decision of the Field Office Director* dated July 6, 2012.

On appeal the applicant's spouse asserts the applicant's submitted documents are unaltered. With the appeal the applicant's spouse submits copies of the spouse's birth certificate and passport; marriage license; birth certificate of his son; and employment verification. The entire record was reviewed and considered in rendering a decision on the appeal.

Pursuant to 8 C.F.R. § 205.2, the approval of an I-130 petition is revocable when the necessity for the revocation comes to the attention of the Service. In denying the applicant's Form I-601, the Field Office Director determined that the applicant had failed to establish that her marriage to the qualifying relative was valid because it appeared she was under eighteen years of age, the legal age for marriage in Laos, when she married her spouse in 2007. Therefore, the AAO remands the matter to the Field Office Director to initiate proceedings for the revocation of the Form I-130 that was approved on March 29, 2010 based on her marriage to her spouse. Should the approved Form I-130 petition be revoked, the director will issue a new decision dismissing the applicant's Form I-601 as serving no purpose. In the alternative, should it be determined that the applicant's marriage is valid and the Form I-130 is not to be revoked, the director will issue a new decision addressing the merits of the applicant's Form I-601 waiver application. If that decision is adverse to the applicant, it will be certified for review to the AAO.

ORDER: The matter is remanded to the director for further proceedings consistent with this decision.