



U.S. Citizenship  
and Immigration  
Services

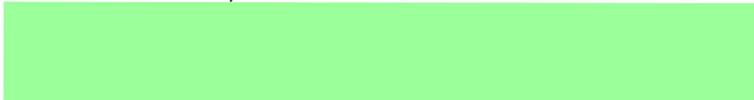
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Date: **MAR 11 2013** Office: CHICAGO, ILLINOIS

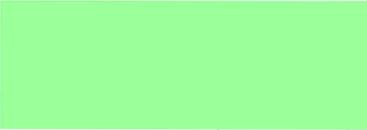
FILE: 

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,

Ron Rosenberg  
Acting Chief, Administrative Appeals Office

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

The record reflects that the applicant is a native and citizen of Pakistan who entered the United States on August 1, 1997, by presenting a fraudulent passport. The applicant's U.S. citizen husband filed a Petition for Alien Relative (Form I-130) on behalf of the applicant that was approved on January 7, 2003. After the applicant's husband requested to withdraw the petition, it was revoked on January 2, 2004. The applicant subsequently filed a Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360) that was approved on November 18, 2005. On August 24, 2007, the applicant filed an Application for Waiver of Grounds of Inadmissibility (Form I-601). On June 24, 2009, the Field Office Director denied the applicant's Form I-601, determining that it was unnecessary to consider the waiver application for extreme hardship analysis because the applicant failed to establish that she was the true beneficiary of the approved Form I-360, and he denied the waiver as a matter of discretion. On February 18, 2011, the applicant's Form I-360 was revoked. The applicant, through counsel, filed a motion to reopen the Form I-360 revocation that was dismissed on May 23, 2012.

The filing of a Form I-601 waiver application is predicated on the necessity to demonstrate admissibility, which in this case is a requirement for adjustment to permanent resident status under section 245 of the Act. The purpose of the Form I-360 petition is to establish for immigration purposes that the applicant is eligible to adjust her status. In the absence of an approved Form I-360 petition, the applicant is not entitled to apply for adjustment of status, and her application for adjustment cannot be approved regardless of whether she is admissible or, if not, whether a waiver is available for any ground of inadmissibility.

Therefore the AAO finds that, in the absence of an underlying approved Form I-360, the appeal of the denial of Form I-601 is moot. The appeal of the denial of the waiver must therefore be dismissed.

**ORDER:** The appeal is dismissed.