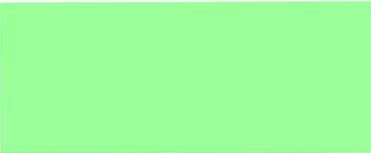


U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

(b)(6)



Date: **MAY 06 2013**

Office: ACCRA, GHANA

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.

Thank you,

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

Ron Rosenberg
Acting Chief, Administrative Appeals Office

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

The applicant is a native and citizen of the Sierra Leone 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 procuring admission to the United States through fraud or misrepresentation.

The record indicates that the applicant filed Form I-601, Application for Waiver of Grounds of Inadmissibility on June 24, 2010. The field office director denied the waiver application on May 31, 2011.

The field office director indicated that the applicant is the individual who was assigned file number [REDACTED], with a related case [REDACTED] and concluded the applicant is the same individual who was removed from the United States in 1996 under file number [REDACTED]. However, based upon a review of the record, including fingerprint results and a comparison of the photographs of the applicant and the individuals in the two cases referenced above, it appears that they are not same individual. The AAO further notes that the date of birth claimed by the applicant is different than the date of birth claimed by the individual in the two cases referenced above, and statements of the applicant included in the record do not correspond to the facts related to the individuals assigned [REDACTED].¹

The matter is remanded for determination of the applicant's identity. If it is determined that the applicant is not the individual with alien number [REDACTED] his application materials should be separated from these files. If the applicant is in fact eligible to apply for a waiver of inadmissibility for procuring a visa and admission to the United States through fraud or misrepresentation, a decision on the merits of his application shall be made, and if adverse to the applicant, certified to the AAO.²

ORDER: The matter is remanded to the field office director for further action as described above.

¹ The AAO notes that these two files also do not appear to relate to each other, but to two separate individuals, one of whom appears to be residing in the United States.

² The AAO notes that the applicant was found to be inadmissible under section 212(a)(9)(C)(i)(II) of the Act and ineligible for permission to reapply for admission until he was outside the United States for a period of ten years. As noted above, the applicant does not appear to be the individual deported under file number [REDACTED] in 1996. Further, even if the applicant had been previously removed from the United States, he did not reenter without inspection, but was admitted in 1999 after presenting a fraudulent visa, and would therefore not be inadmissible under section 212(a)(9)(C)(i)(I) or (II) of the Act.