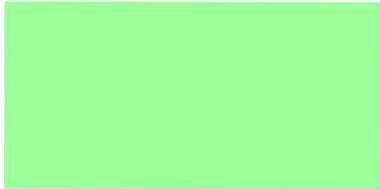


(b)(6)

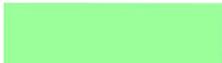


U.S. Citizenship
and Immigration
Services

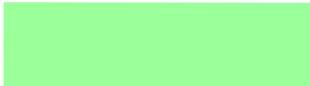


Date: **JUL 15 2014**

Office: COLUMBUS, OH

FILE: 

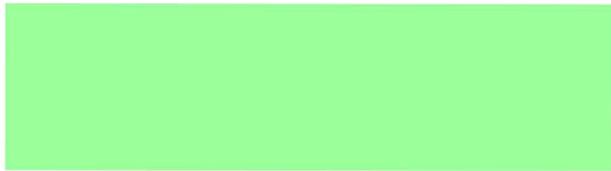
IN RE:

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 (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,

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

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Field Office Director, Columbus, Ohio, denied the waiver application and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and a citizen of Albania who used a false Greek passport to enter the United States under the visa waiver program. The applicant was found to be inadmissible to the United States pursuant to section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i). He is the spouse of a U.S. citizen. The applicant is seeking a waiver under section 212(i) of the Act, 8 U.S.C. § 1182(i), in order to reside in the United States.

The Field Office Director concluded that the applicant had failed to establish that the bar to his admission would impose extreme hardship on a qualifying relative, his U.S. citizen spouse, and denied the Application for Waiver of Grounds of Inadmissibility (Form I-601) on September 23, 2013.

On appeal, counsel for the applicant asserts that the Field Office Director failed to adequately discuss several hardship factors, failed to properly weigh the all of the hardship factors in the aggregate, failed to provide any meaningful analysis of the evidence and that the evidence submitted by the applicant was sufficient to demonstrate that the applicant's spouse would experience extreme hardship due to his inadmissibility.

The record contains a Notice to Alien Removed/Departure Verification indicating the applicant was removed from the United States on December 20, 2013. The notice also indicates that the applicant is inadmissible for a period of five years from that date. As the applicant is no longer in the United States he can no longer adjust status based on his previously filed Form I-485, Application to Register Permanent Residence or Adjust Status (Form I-485). The present Form I-601, filed in conjunction with his Form I-485, is therefore no longer valid. The applicant must now apply for consular processing at a consulate near his residence overseas. At the time of his consular interview he will be notified of any waivers he will need in order to obtain a visa to enter the United States.

As the applicant's underlying Form I-485 is no longer valid the appeal of the denial of the applicant's Form I-601 will be dismissed.

Section 291 of the Act, 8 U.S.C. § 1361, provides that the burden of proof is upon the applicant to establish that he is eligible for the benefit sought. *See* section 291 of the Act, 8 U.S.C. § 1361. Here, the applicant has not met that burden. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.