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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

DATE: MAR 04 2014

OFFICE: NEBRASKA SERVICE CENTER

FILE: [REDACTED]

IN RE: [REDACTED]

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 (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

[Handwritten signature]

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center 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 citizen of China who filed a Form I-601, Application for Waiver of Grounds of Inadmissibility, on September 20, 2012, for her inadmissibility 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), for procuring an immigration benefit by fraud or willful misrepresentation. The applicant seeks a waiver of inadmissibility in order to remain in the United States with her husband.

The Director concluded that an individual seeking an immigrant visa, a K nonimmigrant visa, V nonimmigrant visa from the Department of State may only file a Form I-601 after a consular officer interviews the applicant for visa eligibility and determines that a ground of inadmissibility applies. The Director was unable to verify that the applicant had received such an interview or that such a determination had been made and denied the application accordingly. *See Decision of the Director* dated June 27, 2013.

On appeal, the applicant asserts that she did not make any willful misrepresentations and that any inadmissibility charge based upon misrepresentation is unfounded.

The record reflects that the applicant submitted a letter, dated January 3, 2014, requesting the cancellation of her appeal of the Director's Form I-601 denial decision. Subsequent to the applicant's Form I-290B, Notice of Appeal or Motion, July 26, 2013 appeal of the waiver denial decision, the applicant filed a Form I-290B motion to reopen with the Director, received November 25, 2013.

The appeal will be dismissed based upon the applicant's withdrawal of her Form I-290B appeal.

ORDER: The appeal is dismissed.