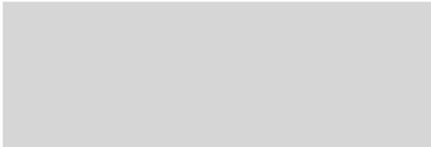




U.S. Citizenship
and Immigration
Services

(b)(6)



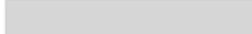
DATE:

JUL 02 2015

FILE #:



APPLICATION RECEIPT #:



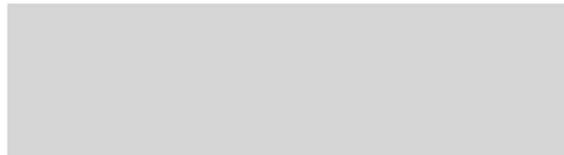
IN RE: Applicant:



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:



Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

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

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Acting District Director, New York, New York, denied the waiver application. 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 Pakistan who applied for a Waiver of Grounds of Inadmissibility (Form I-601) to waive his inadmissibility under sections 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i), for fraud or misrepresentation, and 212(a)(6)(E) of the Act, 8 U.S.C. § 1182(a)(6)(E) for knowingly encouraging, inducing, assisting, abetting, or aiding any other alien to enter or to try to enter the United States in violation of law.

The Acting District Director did not address the applicant inadmissibility, as the applicant's Form I-601 was improperly filed. The Acting District Director indicated that every application must be filed in accordance with the regulations and that such regulations require an applicant or petitioner to sign his or her benefit request pursuant to Section 103.2 of Title 8 of the Code of Federal Regulations. However, the Acting District Director indicated that the applicant's brother, [REDACTED] signed the Form I-601 on the applicant's behalf. The Acting District Director denied the application accordingly. *See Decision of the Acting District Director*, dated October 9, 2013.

On appeal, the applicant, through counsel, concedes that his brother signed the Form I-601. However, the applicant contests his inadmissibility under sections 212(a)(6)(C)(i) and 212(a)(6)(E) of the Act.

The record contains the following documentation: briefs written on behalf of the applicant, identification documents for the applicant, his spouse, his children and his brother; an affidavit from the applicant and correspondence with the American Embassy in [REDACTED]. The entire record was reviewed and considered in rendering a decision on the appeal.

As noted in the Acting District Director's decision, the applicant's Form I-601 was improperly signed by the applicant's brother on October 22, 2011. 8 C.F.R. § 103.2(a)(2). As such, the record does not contain a properly filed Form I-601 submitted by the applicant.¹ Consequently, the Acting District Director's decision will be affirmed.

In application proceedings, it is the applicant's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is dismissed.

¹ It is noted that the applicant can properly file an additional Form I-601 to dispute his admissibility under sections 212(a)(6)(C)(i) and 212(a)(6)(E) of the Act.