



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF C-A-

DATE: JAN. 27, 2016

APPEAL OF SPOKANE FIELD OFFICE DECISION

APPLICATION: FORM I-601, APPLICATION FOR WAIVER OF GROUNDS OF INADMISSIBILITY

The Applicant, a native and citizen of Ivory Coast, seeks a waiver of inadmissibility. *See* Immigration and Nationality Act (the Act) § 212(i), 8 U.S.C. § 1182(i). The Field Office Director, Spokane, Washington, denied the application. The matter is now before us on appeal. The appeal will be dismissed.

In a decision dated May 21, 2015, the Director determined that the Applicant had failed to establish that he was admitted to the United States through fraud or willful misrepresentation and thus, he had not established that he was inadmissible to the United States under section 212(a)(6)(c)(i) of the Act. The Director denied the Form I-601, Application for Waiver of Grounds of Inadmissibility, accordingly.

In the decision regarding the Applicant's I-485, Application to Register Permanent Residence or Adjust Status, the Director concluded that the Applicant was statutorily ineligible for adjustment of status because he had not established that he was inspected, admitted or paroled, or that he was exempt from that requirement. The Applicant's Form I-485 was denied accordingly.

In the present matter, section 212(a)(6)(C)(i) of the Act would only be applicable, thereby requiring the filing of the Form I-601 by the Applicant, if the Director had found that the Applicant had been inspected and admitted or paroled to the United States by fraud or willful misrepresentation, as the Applicant claimed. The Director determined that the Applicant had not established that he was inspected and admitted or paroled to the United States by fraud or willful misrepresentation. Evidence concerning whether the Applicant is eligible to adjust status may not be considered by this office; it must be considered by the Director when adjudicating the Form I-485.

As the Applicant was not found to be inadmissible to the United States under section 212(a)(6)(C)(i) of the Act or any other ground waivable by the filing of Form I-601, and as there is no underlying application for admission pending at this time, the appeal will be dismissed.

The Applicant has the burden of proving eligibility for a waiver of inadmissibility. *See* section 291 of the Act, 8 U.S.C. § 1361. The Applicant has not met that burden. Accordingly, we dismiss the appeal.

Matter of C-A-

ORDER: The appeal is dismissed.

Cite as *Matter of C-A-*, ID# 15327 (AAO Jan. 27, 2016)