

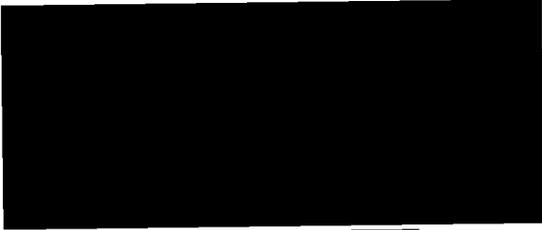
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
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FILE:



Office: MEXICO CITY, MEXICO
(PANAMA CITY, PANAMA)

Date:

MAR 09 2010

IN RE:



APPLICATION: Application for Waiver of Grounds of Inadmissibility

ON BEHALF OF APPLICANT: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Acting District Director, Mexico City, Mexico. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as the underlying waiver application is moot.

The applicant is a native and citizen of Panama who was found to be inadmissible to the United States pursuant to sections 212(a)(6)(C) and 212(a)(6)(E), and section 212(a)(9)(B)(i)(II) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1182(a)(6)(C) and 1182(a)(6)(E) and § 1182(a)(9)(B)(i)(II).

The Acting District Director concluded that the applicant had failed to establish that extreme hardship would be imposed on a qualifying relative and denied the Application for Waiver of Grounds of Excludability. *Decision of Acting District Director*, dated February 11, 2008. On March 11, 2008, the applicant appealed the decision of the Acting District Director.

On November 12, 2009, the applicant's spouse, who is the petitioner for the Form I-130, Petition for Alien Relative, benefiting the applicant and the applicant's qualifying relative in this waiver proceeding requested that the applicant's appeal be withdrawn. Although the applicant's spouse may not withdraw the appeal, the AAO notes that she is divorcing the applicant. Accordingly, it finds no purpose would be served in considering the applicant's appeal as there is no underlying approved Form I-130 on which to base it.

ORDER: The appeal is dismissed as the underlying waiver application is moot.