

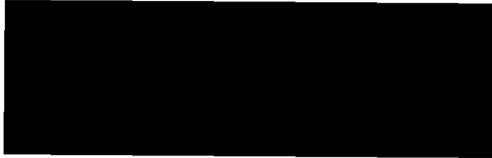
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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
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H6

FILE: [REDACTED] Office: CIUDAD JUAREZ Date: NOV 17 2010

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Waiver of Grounds of Inadmissibility under section 212(a)(9)(B)(v) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(9)(B)(v)

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

Thank you,

Perry Rhew

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Field Office Director, Ciudad Juarez, Mexico, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed, the previous decision of the field office director will be withdrawn and the application declared moot.

The record establishes that the applicant, a native and citizen of Mexico, entered the United States without authorization in June 1999 and did not depart the United States until June 2007. The applicant accrued unlawful presence from [REDACTED] 2000, when she turned 18 years of age¹ until June 2007. The applicant was thus found to be inadmissible to the United States pursuant to section 212(a)(9)(B)(i)(II) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(B)(i)(II), for having been unlawfully present in the United States for more than one year. The applicant seeks a waiver of inadmissibility in order to reside in the United States with her U.S. citizen spouse and children.

The field office 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 Ground of Excludability (Form I-601) accordingly. *Decision of the Field Office Director*, dated April 23, 2008.

Subsequent to filing the above-referenced appeal, the record establishes that in March 2009, the applicant submitted a second Form I-601, which was approved on March 3, 2009. USCIS records indicate that the applicant was consequently admitted to the United States as an IR-1, Spouse of a United States Citizen, on March 7, 2009. Therefore, the instant waiver application is moot.

ORDER: The appeal is dismissed, the prior decision of the field office director is withdrawn and the instant application for a waiver of inadmissibility under section 212(a)(9)(B)(v) of the Act is declared moot.

¹ Section 212(a)(9)(B) of the Acts states, in pertinent part:

(iii) Exceptions—

(I) Minors

No period of time in which an alien is under 18 years of age shall be taken into account in determining the period of unlawful presence in the United States under clause (i).