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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

He

[REDACTED]

FILE: [REDACTED] Office: SAINT PAUL Date: FEB 04 2011

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 (the Act), 8 U.S.C. section 1182(a)(9)(B)(v).

ON BEHALF OF APPLICANT:

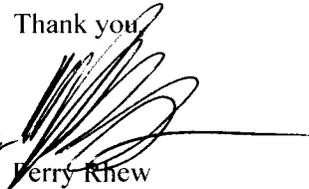
[REDACTED]

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.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you

Per 

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The current waiver application was denied by the District Director, St. Paul, Minnesota, on February 23, 2006. The applicant's spouse withdrew her Form I-130 relative petition on behalf of the applicant on February 15, 2008. The applicant appealed the decision of the District Director to the Administrative Appeals Office (AAO), yet the appeal was dismissed on July 18, 2008 as moot due to the fact that there was no longer an underlying approved Form I-130 petition to serve as a basis for the waiver application. The matter is again before the AAO pursuant to a Motion to Reopen filed on August 14, 2008. The motion will be denied.

On motion, counsel for the applicant asserts that the applicant's wife did not send the withdrawal letter, but that it was sent by a colleague by mistake. *Forms I-290B*, received on August 14, 2008, March 27, 2006. Counsel further asserts that the applicant's wife will experience extreme hardship if the applicant is not admitted to the United States. *Id.*

The applicant's wife conceded that she wrote the withdrawal letter and prepared it for mailing. The applicant has not presented any probative evidence that establishes that the petition was withdrawn by another individual without authorization from the applicant's wife to do so. Pursuant to 8 C.F.R. § 103.2(b)(6) a withdrawal may not be reversed. Accordingly, the Form I-130 petition remains withdrawn and there is no basis for the present waiver application.

Accordingly, the motion will be denied.

**ORDER:** The motion is denied.