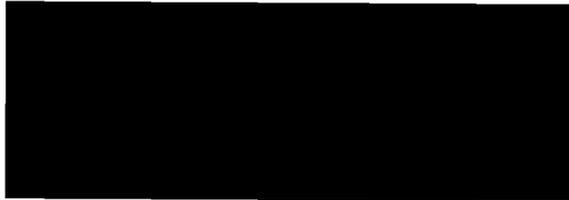


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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090
U.S. Citizenship
and Immigration
Services



PUBLIC COPY



#6

Date: **JUL 27 2011**

Office: CIUDAD JUAREZ

FILE: 

IN RE: Applicant: 

APPLICATION: Application for Waiver of Grounds of Inadmissibility pursuant to section 212(a)(9)(B)(v) of the Immigration and Nationality Act (the 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.

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 must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The waiver application was denied by the Field Office Director, Ciudad Juarez. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record reflects that the applicant is a native and citizen of Mexico who was found to be inadmissible to the United States pursuant to section 212(a)(9)(B)(i)(II) of 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 is married to a U.S. citizen and seeks a waiver of inadmissibility pursuant to section 212(a)(9)(B)(v) of the Act, 8 U.S.C. § 1182(a)(9)(B)(v), in order to reside with his wife and child in the United States.

The field office director found that the applicant failed to establish extreme hardship to a qualifying relative and that the favorable factors did not outweigh the unfavorable factors in the case. The field office director denied the application accordingly. *Decision of the Field Office Director*, dated March 4, 2009.

By letter dated June 3, 2009, the applicant's wife, Ms. [REDACTED] states that she no longer wants to continue her husband's immigration case. *Letter from [REDACTED]* dated June 3, 2009; *see also Letter from [REDACTED]* dated June 3, 2009 (stating that Ms. [REDACTED] wants to withdraw/cancel all petitions/applications in this matter). Pursuant to 8 C.F.R. § 205.1, the Director of the California Service Center automatically revoked the Petition for Alien Relative (Form I-130) that was filed on the applicant's behalf. *Notice of Decision of the Director*, dated December 14, 2009. Because the Form I-130 has been revoked, there is no longer an underlying petition to support the filing of the waiver application. Accordingly, the appeal will be dismissed.

ORDER: The appeal is dismissed.