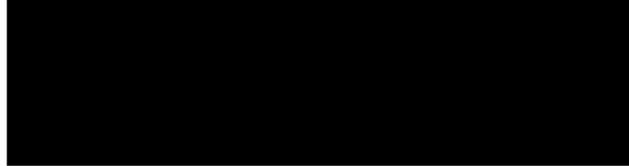




U.S. Citizenship  
and Immigration  
Services



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Date: **DEC 04 2012** Office: MEXICO CITY (ANAHEIM)

FILE: 

IN RE: 

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

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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 AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg  
Acting Chief, Administrative Appeals Office

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

The applicant was 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 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 and seeking readmission within ten years of her last departure from the United States. The applicant was the daughter of a lawful permanent resident and was seeking a waiver of inadmissibility in order to reside in the United States.

In a decision, dated June 23, 2011, the field office director found that the applicant failed to establish extreme hardship to her lawful permanent resident father as a result of her inadmissibility and did not warrant the favorable exercise of the Secretary's discretion. The application was denied accordingly.

The record reflects that on February 27, 2012, the National Visa Center notified the applicant's father that the applicant's Petition for an Alien Relative (Form I-130) was being automatically revoked as of the date of its approval because the beneficiary of the petition, the applicant, was deceased. The regulation at 8 C.F.R. § 205.1(a)(3)(i)(B) states that a Form I-130 is automatically revoked if the beneficiary dies. The record indicates that the applicant died in Mexico on October 25, 2011. Accordingly, the Director, California Service Center, revoked the Form I-130, Petition for Alien Relative, underlying the applicant's immigrant visa application.

The viability of the Form I-601, Application for Waiver of Grounds of Inadmissibility, is dependent on an immigrant visa application that is, in turn, based on an approved Form I-130, Petition for Alien Relative. See 8 C.F.R. § 212.7(a). In the absence of an underlying approved Form I-130, Petition for Alien Relative, the Form I-601, Application for Waiver of Grounds of Inadmissibility, is no longer necessary. The appeal of the denial of the waiver must therefore be dismissed as it is no longer necessary.

**ORDER:** The appeal is dismissed.