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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**

H6



Date: **JAN 19 2012**

Office: SAN DIEGO

FILE: 

IN RE:

Applicant: 

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:



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,

A handwritten signature in cursive script, appearing to read "Perry Rhew".

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The waiver application was denied by the Field Office Director, San Diego, California. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be denied as the application is moot.

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 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 again seeking admission within ten years of his last departure from the United States. The applicant is the spouse of a U.S. citizen. He seeks a waiver of inadmissibility in order to reside in the United States.

In a decision dated July 30, 2010, the Field Office Director, Mexico City, Mexico, found that the applicant failed to establish that his qualifying relative would experience extreme hardship as a consequence of his inadmissibility. The application was denied accordingly. *See Decision of the Field Office Director* dated July 30, 2010. Thereafter, the applicant filed a second waiver application, which was denied on August 24, 2011. *See Decision of the Field Office Director* dated August 24, 2011.

United States Citizenship and Immigration Services (USCIS) records show that, subsequent to filing the instant application, an appeal of the applicant's first Application for Waiver of Grounds of Inadmissibility (Form I-601) was sustained by the AAO on November 18, 2011. Because the applicant's inadmissibility for unlawful presence has been waived and he is now eligible for an immigrant visa, further pursuit of the matter at hand is moot.

**ORDER:** The appeal will be dismissed as the application is moot.