



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF M-P-C-

DATE: SEPT. 25, 2015

APPEAL OF NEBRASKA SERVICE CENTER DECISION

APPLICATION: FORM I-601, APPLICATION FOR WAIVER OF GROUNDS OF
INADMISSIBILITY

The Applicant, a native and citizen of Mexico, seeks a waiver of inadmissibility. *See* Immigration and Nationality Act (INA, or the Act) § 212(a)(9)(B)(v), 8 U.S.C. § 1182(a)(9)(B)(v). The Director, Nebraska Service Center, denied the application. The matter is now before us on appeal. The appeal will be dismissed.

The Applicant 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 one year or more and seeking readmission within 10 years of departure from the United States. The Applicant is the beneficiary of an approved Form I-130, Petition for Alien Relative, filed on his behalf by his U.S. citizen spouse.

In a decision dated March 15, 2014, the Director denied the Form I-601, Application for Waiver of Grounds of Inadmissibility, stating that the Applicant did not respond to a request for additional evidence advising him to sign his Form I-601, as required under 8 C.F.R. § 103.2(a)(2) unless an exception to the rule applies.

8 C.F.R. § 103.2(a)(2) provides that:

(2) Signature. An applicant or petitioner must sign his or her benefit request. However, a parent or legal guardian may sign for a person who is less than 14 years old. A legal guardian may sign for a mentally incompetent person. By signing the benefit request, the applicant or petitioner, or parent or guardian certifies under penalty of perjury that the benefit request, and all evidence submitted with it, either at the time of filing or thereafter, is true and correct. Unless otherwise specified in this chapter, an acceptable signature on a benefit request that is being filed with the USCIS is one that is either handwritten or, for benefit requests filed electronically as permitted by the instructions to the form, in electronic format.

On appeal, filed April 16, 2014, and received at the AAO on March 11, 2015, the Applicant states that he would submit a signed Form I-601 and additional evidence within 30 days of filing his Form I-290B, Notice of Appeal or Motion. As of this date, however, the Applicant has not submitted a

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signed Form I-601 and additional evidence on appeal. Instead the Applicant filed a new Form I-601 on June 5, 2014, which includes his signature and new evidence. As the Form I-601 filed on April 23, 2013, underlying the Applicant's appeal was not adjudicated on the merits, and the Applicant has filed a new Form I-601 rather than pursuing the appeal of his previously denied Form I-601, we will dismiss the appeal of the earlier Form I-601 filed on April 23, 2013, to allow the Nebraska Service Center to adjudicate the current Form I-601 filed on June 5, 2014.

In application proceedings, it is the applicant's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361. Here, that burden has not been met.

ORDER: The appeal is dismissed.

Cite as *Matter of M-P-C-*, ID# 13225 (AAO Sept. 25, 2015)