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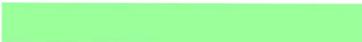


U.S. Citizenship
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Services



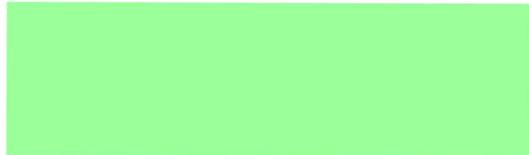
DATE: JAN 09 2015 OFFICE: NEW YORK

FILE: 

IN RE: 

APPLICATION: Application for Waiver of Grounds of Inadmissibility under Section 212(d)(11) of the Immigration and Nationality Act, 8 U.S.C. § 1182(d)(11)

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,


Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The Form I-601, Application for Waiver of Grounds of Inadmissibility (Form I-601) was denied by the District Director, New York, and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of the Dominican Republic who was removed from the United States after having been found to be inadmissible to the United States pursuant to section 212(a)(6)(E)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(E)(i), for knowingly encouraging, inducing, assisting, abetting, or aiding any other alien to enter or to try to enter the United States in violation of law. The applicant seeks a waiver of inadmissibility under section 212(d)(11), 8 U.S.C. § 1182(d)(11), in order to reside in the United States with her legal permanent resident mother and U.S. citizen children.

The district director found that the applicant was not eligible to file the Form I-601. The Form I-601 was deemed improperly filed and denied accordingly. *Decision of the District Director*, dated June 23, 2014.

The record establishes that on May 25, 2004, the applicant applied for admission as a returning lawful permanent resident. The applicant was charged as being inadmissible to the United States pursuant to section 212(a)(6)(E)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(E)(i), for knowingly encouraging, inducing, assisting, abetting, or aiding any other alien to enter or to try to enter the United States in violation of law. The applicant was subsequently ordered removed on June 20, 2008.

The instructions to Form I-601, Application for Waiver of Inadmissibility (Form I-601), list the individuals who are eligible to file a Form I-601. They include immigrant visa applicants who have been found inadmissible after a consular interview; applicants for adjustment of status; K-1/2/3/4 and V non-immigrant visa applicants; Temporary Protected Status (TPS) applicants; Nicaraguan Adjustment and Central American Relief Act (NACARA) applicants; and Violence Against Women Act (VAWA) applicants.

There is nothing in the record to indicate that the applicant falls into any of the categories of aliens eligible to file the Form I-601. As there is no underlying application through which the applicant would be granted status in the United States there is no purpose in adjudicating a waiver of inadmissibility. The appeal is dismissed as a matter of discretion.

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.