



U.S. Citizenship
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FILE: [REDACTED]
MSC-07-279-15151

Office: NATIONAL BENEFITS CENTER

Date: **MAY 26 2010**

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Waiver of Grounds of Inadmissibility pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. You no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case. If your appeal was sustained or remanded for further action, you will be contacted.

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for waiver of inadmissibility within the legalization program was denied by the Director, National Benefits Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

On appeal, the applicant indicates that the director erred by denying the application for Form I-690 Waiver of Grounds of Excludability on Form I-694. He indicates that the Notice of Denial dated September 11, 2007 which concerns the Form I-687 Application for Status as a Temporary Resident should be adjudicated separately from the Form I-690 waiver application.

The AAO notes that the applicant is correct that the Form I-687 and the Form I-690 must be adjudicated separately and that the Notice of Denial must concern only one application. However, the AAO finds no evidence in the Notice of Denial dated September 11, 2007 that the director even addressed the waiver application. The waiver application is not mentioned in the Notice of Denial and the case reference number refers only to the Form I-687. Therefore, the applicant's assertion is without merit. The AAO notes that the Form I-690 was administratively closed on September 11, 2007. The appeal will be dismissed since the Form I-687 is denied and the issue is moot.

ORDER: The appeal is dismissed.