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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**

L1



DATE: **MAY 25 2012** OFFICE: NEW YORK FILE: 

IN RE: Applicant: 

APPLICATION: Application for Waiver of Inadmissibility pursuant to Sections 245A and 210 of the Immigration and Nationality Act, as amended, 8 U.S.C. § § 1255a and 1160

ON BEHALF OF APPLICANT:


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 was denied by the Director, New York, is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

On July 11, 2005, the applicant filed a Form I-690, Application for Waiver of Grounds of Excludability (now referred to as "Inadmissibility") under Sections 245A or 210 of the Immigration and Nationality Act. The director denied the waiver application because the applicant did not have an underlying application for benefits under either section 245A of the Immigration and Nationality Act (Act), 8 U.S.C. § 1255a, or section 210 of the Act, 8 U.S.C. § 1160.

The record reflects that the applicant filed a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), on July 11, 2005. On January 9, 2007, the director of the New York office denied the I-687 application. The applicant filed an appeal of this denial to the AAO. The AAO dismissed the appeal on September 13, 2011.

The viability of a Form I-690 waiver application is dependent on an a pending application for benefits under either section 245A of the Act, 8 U.S.C. § 1255a, or section 210 of the Act, 8 U.S.C. § 1160. The record reflects that the applicant does not have a pending application for benefits under either section of the Act. In the absence of an underlying application, the Form I-690 waiver application is moot. The appeal of the denial of the waiver must therefore be dismissed as moot.

ORDER: The appeal is dismissed as moot.