



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

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

In Re: 21122640

Date: JAN. 17, 2023

Appeal of Los Angeles, California Field Office Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant, a native and citizen of Mexico, has applied to adjust status to that of a lawful permanent resident and seeks a waiver of inadmissibility under section 212(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(i), for fraud or misrepresentation.<sup>1</sup>

The Director of the Los Angeles, California Field Office denied the application, concluding that the application was moot because the Applicant's Form I-485, Application to Register Permanent Residence or Adjust States, was denied. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

The Director initially denied both the Form I-485 and waiver in October 2021 and, after reopening them in March 2022, denied them again in September 2022. After issuing a notice of intent to deny, the Director denied the waiver application on the merits.<sup>2</sup> Specifically, the Director concluded that the evidence in the record does not support a finding that the Applicant's spouse would experience extreme hardship should the Applicant be removed from the United States. As the Applicant's waiver application was reopened and adjudicated on the merits, we will dismiss the appeal of the Applicant's October 2021 denial as moot.

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<sup>1</sup> Any noncitizen who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under the Act, is inadmissible. Section 212(a)(6)(C)(i) of the Act, 8 U.S.C. § 1182(a)(6)(C)(i). There is a discretionary waiver of this inadmissibility if refusal of admission would result in extreme hardship to the United States citizen or lawful permanent resident spouse or parent of the noncitizen. Section 212(i) of the Act.

<sup>2</sup> The record reflects, and the Applicant does not contest, that he is inadmissible under section 212(a)(6)(C)(i) of the Act for misrepresenting his marital status on Form I-485 filed with U.S. Citizenship and Immigration Services and submitting an invalid marriage certificate.

**ORDER:** The appeal is dismissed.