



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

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

In Re: 15242499

Date: OCT. 17, 2022

Motion on Administrative Appeals Office Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant has applied for an immigrant visa and seeks a waiver of inadmissibility under section 212(h) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(h).

The Director of the Nebraska Service Center denied the Form I-601, Application to Waive Inadmissibility Grounds, observing that the U.S. Department of State (DOS) had found the Applicant inadmissible under section 212(a)(2)(A)(i) of the Act for two convictions for crimes involving moral turpitude. The Director determined that the Applicant had not demonstrated his eligibility for a waiver under section 212(h)(1)(A) or (B) of the Act. We dismissed the Applicant's subsequent appeal, concluding that he did not demonstrate his eligibility for a waiver based on his rehabilitation under section 212(h)(1)(A) of the Act.<sup>1</sup> The matter is now before us on a motion to reconsider.

The record establishes that, after the filing of the instant motion, DOS removed its section 212(a)(2)(A)(i) inadmissibility finding. Therefore, the Applicant no longer requires a waiver of this inadmissibility under section 212(h) of the Act. Accordingly, we will grant the motion to reconsider and will withdraw our prior decision dismissing the appeal and the Director's decision denying the Form I-601. The withdrawal of that inadmissibility determination, however, does not provide the Applicant with any immigration status.

Because the Applicant is abroad, the final determination concerning his eligibility for a visa, including whether he is subject to inadmissibility under any provisions of the Act, is made by DOS. Our records reflect that, while this motion was pending, DOS has made a new determination that the Applicant is inadmissible under section 212(a)(6)(C)(i) of the Act.

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. There is a discretionary waiver of this inadmissibility if refusal of admission would result in extreme hardship to the U.S. citizen or lawful permanent resident spouse or parent of the noncitizen. Section 212(i) of the Act.

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<sup>1</sup> The Applicant did not claim that he was eligible for a waiver based on extreme hardship to a qualifying relative, as required under section 212(h)(1)(B) of the Act.

As it is unclear whether the Applicant has been provided with notice of this ground of inadmissibility, and because he has not had an opportunity to submit evidence and arguments addressing his admissibility under section 212(a)(6)(C)(i) of the Act and his eligibility for a waiver under section 212(i) of the Act, we will remand the matter to the Director. The Director is instructed to review the record of proceeding, issue a request for evidence to allow the Applicant a reasonable opportunity to supplement the record, and to issue a new decision.

**ORDER:** The motion to reconsider is granted, and the matter is remanded for the entry of a new decision consistent with the foregoing analysis