



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

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

In Re: 19517103

Date: FEB. 28, 2022

Appeal of Nebraska Service Center Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant 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 willful misrepresentation.

The Director of the Nebraska Service Center denied the Form I-601, Application to Waive Inadmissibility Grounds (waiver application).¹ As explained by the Director, the regulation at 8 C.F.R. § 212.7(a) provides that only certain “categories of individuals may apply for a waiver on Form I-601.” Specifically, the regulation at 8 C.F.R. § 212.7(a)(1) states, in pertinent part, that:

[A]n applicant for an immigrant visa, adjustment of status, or a K or V nonimmigrant visa who is inadmissible under any provision of section 212(a) of the Act for which a waiver is available under section 212 of the Act may apply for the related waiver by filing the form designated by USCIS . . . in accordance with the form instructions.²

The Director concluded that the Applicant “did not provide sufficient evidence that [he] is eligible to file Form I-601” because, subsequent to the filing of the waiver application, both of the Applicant’s Forms I-130, Petition for Alien Relative, were revoked.³ In other words, since the approved I-130 petitions were revoked, the Applicant has not established that he is still a member of one of the categories of individuals who may apply for a waiver.

On appeal, the Applicant submits a brief and additional evidence. Upon *de novo* review, we will dismiss the appeal. *Matter of Christo’s Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015).

Upon consideration of the entire record, including the arguments made on appeal, we adopt and affirm the Director’s decision with the comments below. *See Matter of P. Singh, Attorney*, 26 I&N Dec. 623 (BIA 2015) (citing *Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994); *see also Chen v. INS*, 87

¹ We incorporate the Director’s discussion of the procedural history of this case hereby reference.

² The general requirements for filing immigration applications and petitions are set forth at 8 C.F.R. § 103.2(a)(1) and indicate that “[e]very benefit request . . . submitted to DHS must be executed and filed in accordance with the form instructions . . . and such instructions are incorporated into the regulations requiring its submission.”

³ The corresponding receipt numbers are [redacted] and [redacted]. The approvals of both petitions were revoked on June 6, 2019.

F.3d 5, 7-8 (1st Cir. 1996) (“[I]f a reviewing tribunal decides that the facts and evaluative judgments prescinding from them have been adequately confronted and correctly resolved by a trial judge or hearing officer, then the tribunal is free simply to adopt those findings” provided the tribunal’s order reflects individualized attention to the case).

As discussed above, the Director ultimately denied the application because the Applicant did not establish that he is eligible to apply for a waiver. While we acknowledge the Applicant’s assertions on appeal, including that the Director erred in revoking the I-130 petitions, the sole issue here is not whether he has established that he should be granted the requested waiver, but rather whether he has established that he is a member of any of the categories of individuals who may apply for a waiver given that the previously approved I-130 petitions were revoked. Without evidence the Applicant meets the requirements of the regulation at 8 C.F.R. § 212.7(a), we cannot conclude that he has overcome the Director’s decision.

The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). As the Applicant has not provided evidence to establish that he is eligible to apply for a waiver of inadmissibility under section 212(i) of the Act, the Director’s decision will be affirmed.

ORDER: The appeal is dismissed.