



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

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

In Re: 21048400

Date: JUN. 30, 2022

Appeal of Lawrence, Massachusetts Field Office 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 misrepresentation. The Director of the Lawrence, Massachusetts Field Office denied the Form I-601, Application to Waive Inadmissibility Grounds (Form I-601), noting that the Applicant filed a Form I-485, Application to Register Permanent Residence or Adjust Status (Form I-485), on which he claimed that his last entry into the United States was at or near New York, New York on August 3, 2000. In a separate decision denying the Applicant's Form I-485, the Director determined that the Applicant did not establish he was inspected and admitted or paroled, or that he is exempt from that requirement, and concluded the Applicant is ineligible to adjust status in the United States. The Director acknowledged the Applicant's filing of the Form I-601 to request relief from presenting a fraudulent visa and passport to gain admission to the United States and denied the request because there was no basis for filing at that time.

The denial of the Form I-601 is now before us on appeal. On appeal, the Applicant submits additional evidence and asserts that he is eligible for the benefit sought. We review the questions raised 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.

On appeal, the Applicant submits new evidence, including his supplemental affidavit, school records from Massachusetts reflecting his September 2000 enrollment, and his uncle's affidavit discussing details of the Applicant's entry into the United States. The Applicant asserts that the record establishes he entered the United States on August 3, 2000, with a fake visa and passport; he was a minor at the time; and he was unaware that his entry was not legitimate. He requests that if we do not find the record proves his manner of entry, we remand the matter to the Director for consideration of an alternative waiver of inadmissibility for his entry into the United States without inspection.

Here, the Applicant filed the Form I-601 in conjunction with a Form I-485, which the Director denied, finding that the Applicant was not eligible to adjust status because he did not establish that he has been inspected and admitted or paroled as required under section 245(a) of the Act. A Form I-601 serves the purpose of removing the inadmissibility bar to adjustment of status. 8 C.F.R. § 212.7(a)(1). That purpose cannot be served in this case, as the Form I-485 was not denied based on a finding of inadmissibility, but rather because the Applicant did not establish eligibility under section 245(a) of

the Act. The present Form I-601 cannot cure this ineligibility and it is properly denied as a matter of discretion.

**ORDER:** The appeal is dismissed.