



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

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

In Re: 21712322

Date: MAR. 8, 2022

Appeal of San Diego, California Field Office Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant, a native and citizen of Mexico, seeks a waiver of inadmissibility under section 212(d)(12) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(d)(12), for violating section 274C of the Act, 8 U.S.C. § 1324c. The Director of the San Diego, California Field Office denied the Form I-601, Application to Waive Inadmissibility Grounds (waiver application), concluding that the Applicant did not establish that his violation of section 274C of the Act was committed solely to assist, aid, or support his spouse or child. The matter is now before us on appeal. The Administrative Appeals Office reviews 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.

**I. LAW**

A foreign national who is the subject of a final order for a violation of section 274C of the Act is inadmissible. Section 212(a)(6)(F) of the Act. This ground of inadmissibility may be waived as a matter of discretion in the case of a foreign national seeking admission or adjustment of status under section 201(b)(2)(A) or under section 203(a) of the Act, if no previous civil money penalty was imposed against the foreign national under section 274C of the Act and the offense was committed solely to assist, aid, or support the foreign national's spouse or child (and not another individual). Section 212(d)(12)(B) of the Act. In these proceedings, it is the Applicant's burden to establish eligibility for the requested benefit. *Matter of Skirball Cultural Ctr.*, 25 I&N Dec. 799, 806 (AAO 2012). Except where a different standard is specified by law, an applicant must prove eligibility for the requested immigration benefit by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).

**II. ANALYSIS**

The issue on appeal is whether the Applicant is eligible for a waiver under section 212(d)(12) of the Act due to being the subject of a final order for a violation of section 274C of the Act. The record reflects that on [REDACTED] 2020, a chief administrative law judge from the Executive Office for Immigration Review, Office of the Chief Administrative Hearing Officer, found the Applicant liable for one count of violating section 274C(a)(5) of the Act for using fraudulent documents to satisfy employment eligibility verification requirements. For the violation, the Applicant was ordered to pay \$1,558 in civil

penalties. The Applicant subsequently sought a waiver for this ground of inadmissibility. In denying the waiver application, the Director concluded that the Applicant did not provide sufficient evidence to establish that his violation of section 274C of the Act was committed solely to assist, aid, or support his spouse or child.

On appeal, the Applicant submits a statement from his spouse, who asserts that when the Applicant was working at [REDACTED], the company at which he used fraudulent documents, he would give her money to help pay for food, clothes, housing, and other necessities that she and their child needed. The Applicant's spouse also notes that her income alone was insufficient to support herself and their child. Aside from these brief statements, the Applicant has not provided any other evidence indicating that his violation of section 274C of the Act was committed solely to assist, aid, or support his spouse or child. The Applicant has not established the dates he worked at [REDACTED] his total income while working there, how he allocated his income, or any other information pertinent to the waiver requirement. Without more evidence, we are unable to determine whether the Applicant's income from [REDACTED] was used solely to assist his spouse or child, or for other purposes as well. Therefore, the Applicant has not established by a preponderance of the evidence that his violation of section 274C of the Act was committed solely to assist, aid, or support his spouse or child such that his waiver application should be approved as a matter of discretion.

**ORDER:** The appeal is dismissed.