



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

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 19858770

Date: APRIL 20, 2022

Appeal of Los Angeles, California Field Office Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant has applied to adjust status to that of a lawful permanent resident and seeks a waiver of inadmissibility under section 212(a)(9)(B)(v) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(B)(v), for unlawful presence. The Director of the Los Angeles, California Field Office denied the Form I-601, Application to Waive Inadmissibility Grounds (waiver application), concluding that the record did not establish that the Applicant's qualifying relative, her U.S. citizen spouse, would experience extreme hardship if she were denied the waiver. The Applicant subsequently submitted an appeal; however, in September 2021, the Director revoked approval of the Form I-130, Petition for Alien Relative, filed on behalf of the Applicant by her U.S. citizen spouse.

A waiver application serves the purpose of removing the inadmissibility bar to allow for approval of an immigrant visa, an application for adjustment of status, or certain other applications. 8 C.F.R. § 212.7(a)(1). Only certain categories of individuals may apply for a waiver application, and they include: (i) immigrant visa applicants, (ii) K or V nonimmigrant visa applicants, (iii) adjustment of status applicants, (iv) Temporary Protected Status applicants, (v) Nicaraguan Adjustment and Central American Relief Act applicants, and (vi) Violence Against Women Act applicants. As approval of the Applicant's immigrant visa petition has been revoked, she does not belong to any of these categories, and she is not eligible to apply for a waiver of her inadmissibility. Thus, her waiver application must remain denied.

ORDER: The appeal is dismissed.