



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

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

In Re: 35886701

Date: JAN. 30, 2025

Appeal of National Benefits Decision

Form I-601, Application for Waiver of Grounds of Inadmissibility

The Applicant has applied for an immigrant visa and seeks a waiver of inadmissibility under section 212(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(i). The Director of the National Benefits Center denied the application, concluding that as the Applicant was not an adjustment of status applicant, she was not eligible for the benefit sought. On appeal, the Applicant maintains that she has established eligibility for the benefit sought.

The Applicant bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review 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 remand the matter to the Director of the National Benefits Center to forward to the Nebraska Service Center for adjudication and entry of a new decision.

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. To establish eligibility for a waiver of this inadmissibility the noncitizen must demonstrate, as a threshold requirement, that denial of admission will result in extreme hardship to their U.S. citizen or lawful permanent resident spouse, or parent. Section 212(i) of the Act.

The record reflects that the Applicant applied for an immigrant visa and attended an interview at the U.S. Embassy in Santo Domingo, Dominican Republic, in April 2023, and was found inadmissible under section 212(a)(6)(C)(i) of the Act for fraud or willful misrepresentation. Pursuant to the Form I-601 instructions, an applicant for an immigrant visa may file a Form I-601 seeking to waive this ground of inadmissibility if they are outside the United States, have had a visa interview with a consular officer, and during the interview were found inadmissible. The Applicant filed the Form I-601 in September 2023, indicating that she had sought an immigrant visa and was already interviewed by a U.S. Department of State consular officer and providing her consular case number. The record further reflects that the Applicant submitted the Form I-601 to the filing address corresponding to certain applicants residing in the United States who have applications for adjustment of status pending. The filing was accepted by the National Benefits Center and adjudicated.

The USCIS office with jurisdiction over Form I-601 waiver applications for immigrant visa applicants is the Nebraska Service Center. The matter will be remanded to the Director of the National Benefits Center to forward to the Nebraska Service Center for adjudication and entry of a new decision.

ORDER: The matter is remanded to the Director of the National Benefits Center to forward to the Nebraska Service Center for adjudication and entry of a new decision.