



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

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

In Re: 8351468

Date: JUNE 17, 2020

Appeal of Nebraska Service Center Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant 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).

The Director of the Nebraska Service denied the application, concluding that the Applicant is ineligible to file a Form I-601 waiver of inadmissibility. The Director cited 8 C.F.R. § 212.7(a), which requires that the Form I-601 be submitted in accordance with the form's instructions and listed the categories of individuals who may apply for a waiver on the Form I-601. The Director found that the Applicant had not established that he belonged to one of the categories of individuals who may apply for a waiver on the Form I-601.<sup>1</sup> On appeal, the Applicant submits a statement asserting that he is eligible for a waiver of inadmissibility.

We affirm the Director's decision denying the waiver application. 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). Here, the Applicant does not contend he is among the categories of individuals who may apply for a waiver on a Form I-601, as indicated on the form's instructions. Thus, the Applicant has not shown he has a basis for filing a Form I-601. We note that if the Applicant applies for an immigrant visa through consular processing abroad, the U.S. Department of State would provide further instructions regarding his eligibility and whether he needs a waiver for any ground of inadmissibility.

It is the Applicant's burden to establish eligibility for the immigration benefit sought. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Skirball Cultural Ctr.*, 25 I&N Dec. 799, 806 (AAO 2012). As the Applicant is not eligible to seek a waiver of inadmissibility, the waiver application is properly denied.

**ORDER:** The appeal is dismissed.

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<sup>1</sup> The Director issued a Request for Evidence in May 2019, asking the Applicant to provide evidence that he had a pending "immigrant visa application (or nonimmigrant K or V visa application) filed with the Department of State (DOS), for which you [the Applicant] were found ineligible due to an inadmissibility ground" or a "pending I-485 or Form I-821." The Applicant did not submit such documentation.