



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

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 20947246

Date: JULY 21, 2022

Appeal of Nebraska Service Center Decision

Form I-601, Application to Waive Inadmissibility Grounds

The Applicant has applied for an immigrant visa and seeks a waiver of inadmissibility under section 212(h) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(h), for having been convicted of a controlled substance violation. The Director of the Nebraska Service Center denied the Form I-601, Application to Waive Inadmissibility Grounds (waiver application), because the record did not demonstrate that he is an applicant for a nonimmigrant visa before the U.S. Department of State who has been interviewed by a consular officer and found inadmissible to the United States under a section of the Act which requires the filing of a waiver application.

The Applicant filed an appeal of that decision with this office. 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 remand the matter to the Director for further proceedings. In this regard, the record now indicates that the Applicant has been interviewed by a consular officer and found inadmissible under section 212(a)(2)(A) of the Act for a controlled substance violation. We will therefore withdraw the Director's decision and remand the matter for a determination of whether the Applicant is eligible for a waiver.

**ORDER:** The decision of the Director is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.