U.S. Department of Justice
Executive Office for Immigration Review

Falls Church, Virginia 22041

Decision of the Board of Immigration Appeals

File: (b) (6)

Date: SEP 16 2003

In re: (b) (6)

IN EXCLUSION PROCEEDINGS

APPEAL

ON BEHALF OF APPLICANT: Richard L. Breitman, Esquire

ON BEHALF OF DHS: Terry M. Louie
Assistant District Counsel

EXCLUDABLE: Sec. 212(a)(19), I&N Act [8 U.S.C. § 1182(a)(19)] -
Fraud or willful misrepresentation of a material fact

Sec. 212(a)(20), I&N Act [8 U.S.C. § 1182(a)(20)] -
No valid immigrant visa

APPLICATION: Section 212(k) waiver

ORDER:

PER CURIAM. Pursuant to the (b) (6) decision of the United States Court of Appeals for the (b) (6) as amended on (b) (6), the decision of the Board in this case dated April 29, 2002, is vacated, and the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) appeal from the Immigration Judge's decision granting the applicant a waiver of inadmissibility under section 212(k) of the Immigration and Nationality Act, 8 U.S.C. § 1182(k), is dismissed.

FOR THE BOARD