

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy
PUBLIC COPY

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services



H4

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: AUG 10 2005

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Permission to Reapply for Admission into the United States after
Deportation or Removal under section 212(a)(9)(A)(iii) of the Immigration and
Nationality Act, 8 U.S.C. § 1182(a)(9)(A)(iii)

ON BEHALF OF APPLICANT: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to
the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for permission to reapply for admission after removal was denied by the Director, California Service Center and is now before the Administrative Appeals Office (AAO) on appeal. The Director's decision will be withdrawn, and the matter will be remanded to him for further action.

The applicant is a native and citizen of Mexico who on March 24, 2003, was found by a Consular Officer to be ineligible to receive a visa pursuant to section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i). On April 2, 2004, the applicant filed an Application for Permission to Reapply for Admission After Deportation or Removal (Form I-212) in which she states that she was removed from the United States on March 24, 2003. In his decision the Director states that Immigration records show that the applicant was ordered deported from the United States pursuant to section 241(a) of the Immigration and Nationality Act (the Act). The Director determined that the applicant is inadmissible under section 212(a)(9)(A)(ii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(ii). The applicant applied for permission to reapply for admission into the United States under section 212(a)(9)(A)(iii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(iii) in order to travel to the United States and reside with her family.

The Director determined that the unfavorable factors in the applicant's case outweighed the favorable factors and denied the applicant's Form I-212 accordingly. *See Director's Decision* dated October 21, 2004.

On appeal the applicant states that she is appealing the decision to deny her application on a statute that she did not know about. The applicant's father submits a letter in which he states that when he filed a petition for the applicant she was single but because it took a long time she got married and therefore she could not be issued an immigrant visa since he, the petitioner, is a lawful permanent resident. He further asks that the Director's decision be reversed and the application be granted so the applicant can travel to the United States.

The record of proceedings does not include a decision regarding the applicant's removal of March 24, 2003, and the only reference to the applicant's removal is on the Form I-212 and in the Director's decision. A thorough search of the electronic database of Citizenship and Immigration Services (CIS) does not reveal a deportation or removal order issued on behalf of the applicant. Furthermore a search based on the applicant's name and date of birth did not reveal any additional alien registration numbers.

The CIS Operation Instructions at 103.3(C) provides, in part, that the record of proceeding must contain all evidence used in making the decision. Without the complete record of proceeding and documentary evidence that the applicant was removed or deported from the United States the AAO cannot make a decision on the appeal.

In view of the foregoing, the application will be remanded to the Director for further action. After preparing a proper record of proceeding the documentation should be resubmitted to the AAO for review.

ORDER: The matter is remanded to the Director for further action consistent with the foregoing discussion.