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U.S. Citizenship
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Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: JUN 28 2005

IN RE:

Applicant:



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:



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. Wiseman, 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 appeal will be rejected as untimely filed.

The applicant is a native and citizen of Mexico who on January 18, 2000, was convicted in the United States District Court, Southern District of California for the offense of importing merchandise subject to seizure in violation of 18 U.S.C. § 545 and was sentenced to twelve months and one day of imprisonment. Consequently, on October 10, 2000, an Immigration Judge ordered the applicant removed from the United States. On November 24, 2000, the applicant was removed from the United States pursuant to section 237(a)(2)(A)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1227(a)(2)(A)(i), for having been convicted of a crime involving moral turpitude. He is inadmissible under section 212(a)(9)(A)(ii) the Act, 8 U.S.C. § 1182(a)(9)(A)(ii) and he now seeks 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 his family.

The Director determined that the unfavorable factors in the applicant's case outweighed the favorable factors, and denied the applicant's Application for Permission to Reapply for Admission After Removal (Form I-212) accordingly. See *Director's Decision* dated October 7, 2004.

The regulation at 8 C.F.R. 103.3(a)(2)(i) provides that the affected party must file the complete appeal within 30 days after service of the unfavorable decision. If the decision was mailed, the appeal must be filed within 33 days. See 8 C.F.R. § 103.5a(b).

The record indicates that the Director issued the decision on October 7, 2004. It is noted that the Director properly gave notice to the applicant that he had 33 days to file the appeal. The appeal was received by the California Service Center on November 12, 2004, 36 days after the decision was mailed. As the appeal was untimely filed, the appeal must be rejected.

ORDER: The appeal is rejected as untimely filed.