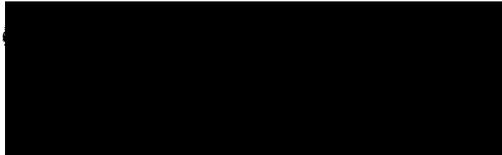


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U.S. Citizenship
and Immigration
Services

**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **OCT 20 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:

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 into the United States after Deportation or Removal (Form I-212) was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed and the application declared unnecessary.

The applicant is a native and citizen of Mexico who on March 4, 2004, filed a Form I-212. On her application, the applicant states that she was removed from the United States on May 13, 1984. The applicant 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 as a nonimmigrant visitor.

The Director determined that the applicant did not provide information and documentation required to adjudicate the application and that she had failed to establish that a favorable exercise of the Secretary's discretion is warranted. The Director denied the Form I-212 accordingly. See *Director's Decision* dated November 3, 2004.

On appeal, the applicant submits copies of her mother's naturalization certificate and her sister's alien registration card. In addition the applicant submits a letter in which she states that she was denied a visa because of drug trafficking. Furthermore she states that she had nothing to do with drug trafficking, but she got involved because of a nephew of hers. Finally she states that she is a person that lives honestly and she would like to obtain a visa in order to visit the United States.

The record of proceedings does not include a decision regarding the applicant's removal of May 13, 1984, and the only reference to the applicant's removal is on her Form I-212. A thorough review of the electronic database of Citizenship and Immigration Services (CIS) does not reveal a deportation or removal order issued on behalf of the applicant. The record of proceedings does not reveal if the applicant was permitted to withdraw her application for admission or if she was granted voluntary departure. Furthermore a search based on the applicant's name and date of birth did not reveal any additional alien registration numbers.

According to the applicant's own statement, she was deported on May 13, 1984. There is no documentary evidence to show that she reentered the United States after her deportation. It appears that the applicant has been residing outside the United States for a period of over 10 years prior to applying for a nonimmigrant visa. Based on the above facts this office finds that the applicant is not inadmissible pursuant to section 212(a)(9)(A) of the Act and the Form I-212 is not necessary.

The AAO notes that the applicant may be inadmissible pursuant to section 212(a)(2)(C) of the Act, 8 U.S.C. § 1182(a)(2)(C), for having been involved in drug trafficking. The proceeding in the present case is for an application for permission to reapply for admission into the United States after deportation or removal and therefore the AAO will not discuss the applicant's possible inadmissibility under other sections of the Act.

The application for permission to reapply for admission into the United States under section 212(a)(9)(A)(iii) of the Act is unnecessary as the applicant is not inadmissible pursuant to section 212(a)(9)(A) of the Act.

ORDER: The appeal is dismissed and the application declared unnecessary.