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

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: JUN 05 2006

IN RE:



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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, California Service Center, denied the application for permission to reapply for admission. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

8 C.F.R. § 103.2(b)(13) provides that if all requested initial evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. 8 C.F.R. § 103.2(b)(15) provides that a denial due to abandonment may not be appealed, but an applicant may file a motion to reopen under 8 C.F.R. § 103.5.

The record indicates that the applicant failed to provide a full response to the director's request for further evidence. Accordingly, the director denied the application due to abandonment. *See Director's Decision*, dated November 8, 2004.

The official having jurisdiction over a motion to reopen is the official who made the last decision in the proceeding, in this case the Director, California Service Center. *See* 8 C.F.R. § 103.5(a)(1)(ii). The director declined to treat the appeal as a motion and forwarded the matter to the AAO.

As the director declined to treat the applicant's appeal as a motion to reopen and a denial due to abandonment may not be appealed to the AAO, the appeal must be rejected.

**ORDER:** The appeal is rejected.