

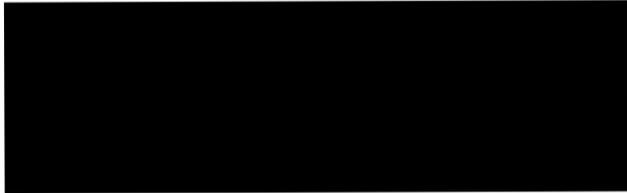


U.S. Citizenship
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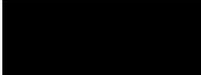
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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: MAR 16 2006

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 filed a Form I-212 on May 21, 2003. On his application, the applicant states that he was deported from the United States in February 2000. In his decision, the Director states that Immigration records show that the applicant was ordered removed and deported from the United States pursuant to section 241(a) of the Immigration and Nationality Act (the Act). 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 remain in the United States and reside with his U.S. citizen children.

The Director determined that section 241(a)(5) of the Act, 8 U.S.C. § 1231(a)(5) applies in this matter and the applicant is not eligible for any relief or benefit from the Act and denied the Form I-212 accordingly. See *Director's Decision* dated August 5, 2004.

On appeal, the applicant states that he has never been deported or under any removal proceedings, nor ordered deported by an immigration judge. In addition, the applicant states that he will be submitting a brief and/or evidence to the AAO within 30 days from the date of the appeal. The appeal was filed on August 27, 2004, and to this date, approximately one and one half years later, no documentation has been received, and therefore, the AAO will adjudicate the appeal based on the documentation within the record of proceeding.

The record of proceedings does not include any documentation regarding the applicant's deportation in February 2000, and the only reference to the applicant's deportation is on his Form I-212, his Application to Register Permanent Residence or Adjust Status (Form I-485) and in the Director's decision. 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. Furthermore a search based on the applicant's name and date of birth did not reveal any additional alien registration numbers.

Based on the above facts, the AAO 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. Accordingly, the appeal will be dismissed and the Form I-212 will be declared unnecessary.

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