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FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

MAR 31 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:



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 rejected.

The Director concluded the applicant had abandoned her Form I-212, failing to respond to a request for additional supporting documentation within the requisite time allowed and, therefore, denied the application. *See Director's Decision* dated November 29, 2004.

On appeal, the applicant submits the documentation requested by the Director.

The regulation at 8 C.F.R. § 103.2(b) states in pertinent part:

(13) Effect of failure to respond to a request for evidence or appearance. If all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. . . .

. . . .

(15) Effect of withdrawal or denial due to abandonment. . . A denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen under Sec. 103.5.

The Director determined that the application had been abandoned and, therefore, denied the application pursuant to 8 C.F.R. § 103.2(b)(13). As noted above, a denial due to abandonment may not be appealed, but an applicant may file a motion to reopen or reconsider pursuant to 8 C.F.R. § 103.5. As a denial due to abandonment cannot be appealed under 8 C.F.R. § 103.2(b)(15), the appeal must be rejected.

ORDER: The appeal is rejected.