

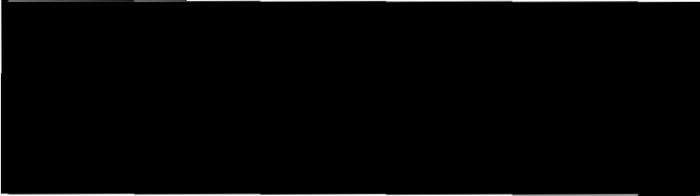
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U.S. Citizenship  
and Immigration  
Services

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FILE: [Redacted] Office: NEWARK (CHERRY HILL), NEW JERSEY Date: SEP 26 2006

IN RE: Applicant: [Redacted]

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, Chief  
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 District Director, Newark, New Jersey, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The District Director concluded that the applicant had abandoned his Form I-212 by failing to respond to a request for additional supporting documentation within the requisite time allowed and, therefore, denied the application. *See District Director's Decision* dated March 15, 2004.

The AAO notes that the record contains a Notice of Entry of Appearance as Attorney or Representative (Form G-28) that is not signed by counsel. Therefore the AAO will not be sending a copy of the decision to the attorney mentioned on the Form G-28.

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 District Director determined 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.

The AAO notes that the applicant has an additional Service file under the following number [REDACTED]. This Service file should be consolidated with Service file [REDACTED].

**ORDER:** The appeal is rejected.