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

*H14*



FILE: [REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date: **MAY 15 2007**

IN RE: [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.

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

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, California Service Center and the Administrative Appeals Office (AAO) rejected a subsequent appeal. The matter is now before the AAO on a Motion to Reopen or Reconsider. The motion will be dismissed. The previous decisions will be affirmed.

The applicant's appeal was rejected for having been filed untimely. On motion the applicant requests that his waiver application not be cancelled.

In order to properly file a Motion to Reopen or Reconsider, certain requirements under section 8 C.F.R. § 103.5(a) must be met.

Section 8 C.F.R. § 103.5(a) in pertinent part provides that:

*(2) Requirements for motion to reopen.*

A motion to reopen must state the new facts to be provided in the reopened proceeding and be supported by affidavits or other documentary evidence.

*(3) Requirements for motion to reconsider.*

A motion to reconsider must state the reasons for consideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy. A motion to reconsider a decision on an application or petition must, when filed, also establish that the decision was incorrect based on the evidence of record at the time of the initial decision.

The AAO finds that the Form I-290B does not comply with the requirements for a Motion to Reopen or Reconsider as it does not state new facts, nor does it establish that the AAO decision was based on an incorrect application of law or Service policy. As such, the Motion to Reopen or Reconsider will be dismissed.

**ORDER:** The motion is dismissed.