

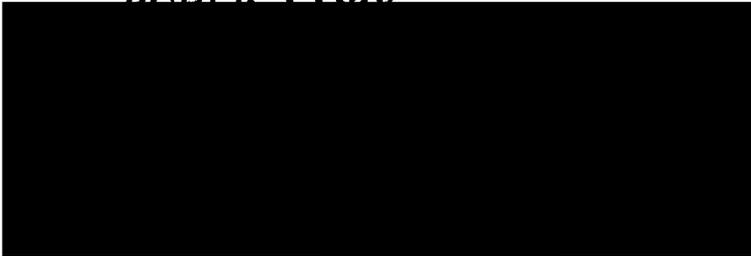
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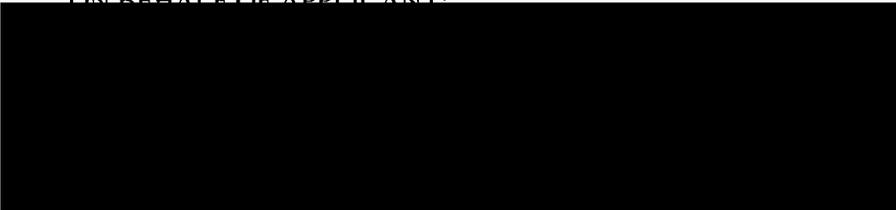
Applicant:



APPLICATION:

Application for Permission to Reapply for Admission into the United States after
Deportation or Removal under Section 212(a)(9)(A) of the Immigration and
Nationality Act, 8 U.S.C. § 1182(a)(9)(A)

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, Chief
Administrative Appeals Office

DISCUSSION: The application for permission to reapply for admission after removal was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as moot.

On appeal, the applicant, through counsel, requested 30-days to submit a brief and/or evidence to the AAO. *Form I-290B*, filed June 16, 2006. The record contains no evidence that a brief or additional evidence was filed within 30-days. On August 24, 2007, the AAO sent counsel a facsimile requesting evidence of the brief and/or additional evidence, or a statement by counsel that neither a brief nor evidence was filed. On August 27, 2007, counsel submitted additional evidence demonstrating that the applicant is residing in Ecuador.

The applicant is a native and citizen of Ecuador who entered the United States without inspection on or about August 26, 1993. On March 29, 1994, an immigration judge ordered the applicant deported *in absentia*. On May 17, 1996, the applicant was deported from the United States. The applicant seeks permission to reapply for admission into the United States under section 212(a)(9)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(A)(iii), in order to reside with his wife and children.

The Director determined that the applicant is inadmissible pursuant to section 212(a)(9)(A)(ii)(I) of the Act, 8 U.S.C. § 1182(a)(9)(A)(ii)(I), for being ordered removed under section 240 or any other provision of law and that the unfavorable factors in the applicant's case outweighed the favorable factors. The Director denied the applicant's Application for Permission to Reapply for Admission After Deportation or Removal (Form I-212) accordingly. *Director's Decision*, dated June 5, 2006.

Section 212(a)(9). Aliens previously removed.-

(A) Certain alien previously removed.-

. . . .

(ii) Other aliens.- Any alien not described in clause (i) who-

(I) has been ordered removed under section 240 or any other provision of law, or

(II) departed the United States while an order of removal was outstanding, and seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of such date in the case of a second or subsequent removal or at any time in the case of an aliens convicted of an aggravated felony) is inadmissible.

(iii) Exception.- Clauses (i) and (ii) shall not apply to an alien seeking admission within a period if, prior to the date of the aliens' reembarkation at a place outside the United States or attempt to be admitted from foreign continuous territory, the Attorney General [now, Secretary, Department of Homeland Security] has consented to the aliens' reapplying for admission.

Counsel states that the applicant has “continuously reside[d] in Ecuador” since May 17, 1996. *Form I-290B*, filed June 16, 2006. She submitted the applicant’s Ecuadorian Mobilization Direction card, which was issued on July 4, 1996, and his Ecuadorian identification card, which was issued on September 24, 1996. The applicant states he is a “current resident in Ecuador.” *Letter from the applicant*, dated April 17, 2006. The AAO notes that the applicant obtained a life insurance policy in Ecuador on November 28, 1996, and his home address is listed in Ecuador. Additionally, [REDACTED] states that he has been treating the applicant since 1997. *See Certificate from [REDACTED] Internal Medicine*, dated June 16, 2006.

A review of the record reflects that the applicant is no longer inadmissible under section 212(a)(9)(A)(ii)(I) of the Act, 8 U.S.C. § 1182(a)(9)(A)(ii)(I). The applicant has been residing in Ecuador since May 17, 1996, which is more than the statutory 10 year period. The applicant no longer needs permission to reapply for admission after his deportation.

ORDER: The appeal is dismissed as moot as the applicant is no longer inadmissible.