

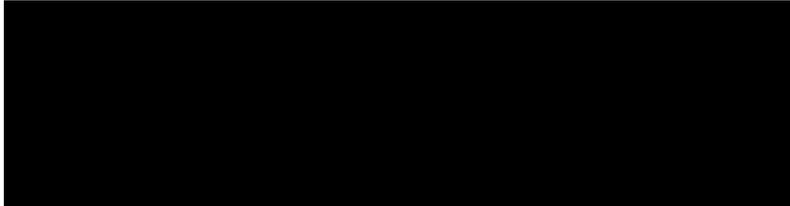
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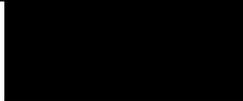
U.S. Citizenship
and Immigration
Services

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644

FILE:



Office: SAN ANTONIO, TEXAS

Date:

FEB 29 2008

IN RE:

Applicant:



APPLICATION:

Application for Permission to Reapply for Admission into the United States after
Deportation or Removal

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 for permission to reapply for admission after removal was denied by the District Director, San Antonio, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as moot.

The record reflects that the applicant is a native and citizen of Mexico who claims to have entered the United States without inspection on January 10, 1992. The applicant claims that he was removed from the United States at an unknown date. The applicant filed an Immigrant Petition for Alien Worker (Form I-140) on September 20, 2001. On May 19, 2003, the Form I-140 was denied as abandoned. On May 22, 2006, the applicant filed an Application for Permission to Reapply for Admission After Deportation or Removal (Form I-212).

The District Director determined that the applicant is inadmissible pursuant to section 212(a)(9)(A) of the Act, 8 U.S.C. § 1182(a)(9)(A), for being ordered removed, and denied the applicant's Form I-212. *District Director's Decision*, dated July 28, 2006. However, the AAO notes that there is no evidence in the record that the applicant has been ordered removed from the United States.

On appeal, the applicant states he wants to "enter the United States of North America legally." *Form I-290B*, filed August 31, 2006.

A review of the record reflects no indication that the applicant has been ordered removed from the United States. When the applicant applies for a visa in Mexico, he will be interviewed by a consular officer. Once the consular officer makes a determination on the applicant's admissibility, and if the applicant is found to be inadmissible, the applicant may then file a Form I-212 and, if needed, an Application for Waiver of Grounds of Excludability (Form I-601). If he has already been interviewed for his visa, he should contact the office where he was interviewed to determine what further actions he needs to take.

ORDER: The appeal is dismissed as moot as it has not been established that the applicant was deported or removed from the United States.