U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

PUBLIC COPY

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[redacted]

Date: NOV 22 2011 Office: EL PASO, TEXAS FILE: [redacted]

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:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Michael Shumaker

for Perry Rhew,
Chief, Administrative Appeals Office

DISCUSSION: The Field Office Director, El Paso, Texas, denied the Application for Permission to Reapply for Admission into the United States after Deportation or Removal (Form I-212) and it is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The record reflects that the applicant is a native and citizen of Mexico who was found to be inadmissible under section 241(a)(5) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1231(a)(5), as an alien who has illegally reentered the United States after having been removed or having departed voluntarily. He seeks permission to reapply for admission into the United States under section 212(a)(9)(A)(iii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(iii), in order to reside in the United States.

The field office director determined that due to the applicant's removal from the United States on November 8, 1998, December 5, 2003, December 20, 2008, and November 20, 2009 the applicant is not eligible for relief pursuant to section 241(a)(5) of the Act, and denied the Form I-212 accordingly. *See Field Office Director's Decision,* dated August 12, 2010.

The Form I-290B, Notice of Appeal or Motion, was signed by [redacted] the applicant's mother. United States Citizenship and Immigration Services' (USCIS) regulations state that the appeal must be filed by an "affected party," who is the individual or entity with legal standing in the underlying proceeding. 8 C.F.R. § 103.3(a)(1)(iii)(B). The "affected party" may be represented by an attorney or representative in accordance with 8 C.F.R. § 292. The "affected party" is the applicant filing the Form I-212, and the "affected party" is recognized to have standing in the underlying proceeding. In the instant case, the record reflects that the applicant [redacted] is the affected party, and the appeal was filed by the applicant's mother. The record does not indicate that the applicant's mother is an attorney or other representative who has properly filed a notice of appearance. 8 C.F.R. § 292.

As the appeal was not properly filed it will be rejected. 8 C.F.R. § 103.3(a)(2)(v)(A)(*1*).

ORDER: The appeal is rejected.