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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



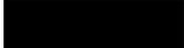
U.S. Citizenship
and Immigration
Services

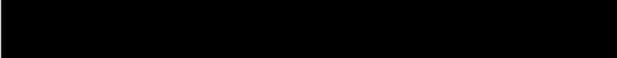


HL4

Date: **FEB 22 2012**

Office: LIMA, PERU

FILE: 

IN RE: Applicant: 

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:



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,

Perry Rhew,
Chief, Administrative Appeals Office

DISCUSSION: The Field Office Director, Lima, Peru, denied the application for waiver of inadmissibility. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The Field Office Director denied the applicant's Application for Waiver of Grounds of Inadmissibility (Form I-601), which was originally filed for his inadmissibility under section 212(a)(9)(B)(i)(II) of the Immigration and Nationality Act (the Act), because the Field Office Director found that the applicant was inadmissible under section 212 (a)(6)(B) of the Act, for which there is no waiver of inadmissibility.¹ See *Field Office Director's Decision*, dated August 18, 2009. On September 17, 2009, the applicant filed a Notice of Appeal (Form I-290B). On the Form I-290B, under Part 2, Information About the Appeal or Motion, the form indicated that the relating application/petition is "I-212."²

The applicant failed to file an appeal for the applicable decision, which addressed and denied the Form I-601, and requires a waiver of inadmissibility pursuant to section 212(a)(9)(B)(i)(II) of the Act.

ORDER: The appeal is rejected.

¹ As the applicant was removed from the United States on August 15, 2006, over five years ago, he is no longer inadmissible under section 212(a)(6)(B) of the Act. Nonetheless, the applicant still requires permission to reapply for admission into the United States under section 212(a)(9)(A)(iii) of the Act, for the removal order he received on June 21, 2002, and a waiver of inadmissibility pursuant to section 212(a)(9)(B)(i)(II) of the Act for his unlawful presence.

² The record contains an Application for Permission to Reapply for Admission Into the United States After Deportation or Removal (Form I-212). However, it was never adjudicated, and therefore cannot be appealed.