



(b)(6)

Date: **MAR 27 2013**

Office: SAN DIEGO, CA

FILE: [REDACTED]

IN RE: Applicant: [REDACTED]

PETITION: Application for Permission to Reapply for Admission into the United States after Prior Immigration Violations under Section 212(a)(9)(C)(ii) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(9)(C)(ii)

ON BEHALF OF PETITIONER:

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.

Thank you,

Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Application for Permission to Reapply for Admission into the United States after Deportation or Removal (Form I-212) was denied by the District Director, San Diego, California. The Administrative Appeals Office (AAO) dismissed a subsequent appeal. The matter is now before the AAO on motion. The motion will be dismissed and the underlying application remains denied.

The record reflects that the district director issued the decision on March 9, 2011. The AAO dismissed a subsequent appeal on February 29, 2012. The applicant filed the instant motion on March 29, 2012, within thirty days of the AAO's dismissal.

A motion to reopen must state the new facts to be proved in the reopened proceeding and be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2). A motion to reconsider must state the reasons for reconsideration 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. 8 C.F.R. § 103.5(a)(3). A motion that does not meet applicable requirements shall be dismissed. 8 C.F.R. § 103.5(a)(4).

On page 2 of the Form I-290B, in response to the Basis for the Appeal or Motion, the applicant states; "The decision of the administrative appeals office is mistaken, because the law was inappropriately applied in reaching it's [sic] decision. It will be stated more fully in a brief to be filed within 30 days." However, to date, the AAO has not received a brief or any additional documentation with respect to the Form I-290B. The applicant has not stated any new facts, provided new documentary evidence, or stated the reasons for reconsideration. Therefore, even the applicant has not met the requirements of a motion to reopen or reconsider.

ORDER: The motion is dismissed and the underlying application remains denied.