

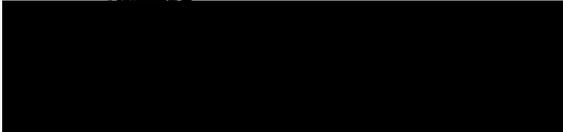
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



114

FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

JAN 13 2006

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:

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.

Robert P. Wiemann, Director
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 Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed and the application declared unnecessary.

The applicant is a native and citizen of Mexico who on November 12, 2003, filed a Form I-212. The applicant 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 remain in the United States and adjust his status based on a labor certification.

The Director determined that the applicant did not provide information and documentation required to adjudicate the application and to establish eligibility for the waiver being sought. The Director denied the Form I-212 accordingly. *See Director's Decision* dated November 4, 2004.

The AAO notes that the record contains a Notice of Entry of Appearance as Attorney or Representative (Form G-28) submitted by an individual who is not accredited to represent individuals pursuant to 8 C.F.R. § 292.1 and 1292.1. Therefore the AAO will not be sending a copy of the decision to the individual mentioned on the Form G-28.

On appeal, the applicant states he will be submitting a brief and/or evidence to the AAO within 30 days. The applicant submits copies of his children's birth certificates. In addition, the applicant states that his case is not a deportation or removal matter, but rather a border stop with a voluntary departure. The appeal was filed on November 23, 2004, and to date, more than a year later, no additional documentation has been provided to the AAO.

The record of proceedings does not include a decision regarding a deportation or removal order and the only reference to a removal is on the applicant's Notice of Appeal to the AAO (Form I-290B), in which he states that he was stopped and given voluntary departure. A thorough review of the electronic database of Citizenship and Immigration Services (CIS) does not reveal a deportation or removal order issued on behalf of the applicant. The record of proceedings does not reveal whether the applicant was ever stopped at the border and granted voluntary departure. Furthermore, a search based on the applicant's name and date of birth did not reveal any additional alien registration numbers.

Based on the above facts, the AAO finds that the applicant is not inadmissible pursuant to section 212(a)(9)(A) of the Act and the Form I-212 is not necessary. The AAO notes that the applicant filed this application without a request from the Service and therefore is unsure as to why the applicant found it necessary.

The application for permission to reapply for admission into the United States under section 212(a)(9)(A)(iii) of the Act is unnecessary, as the applicant is not inadmissible pursuant to section 212(a)(9)(A) of the Act.

Accordingly, the appeal will be dismissed and the Form I-212 will be declared unnecessary.

ORDER: The appeal is dismissed.