

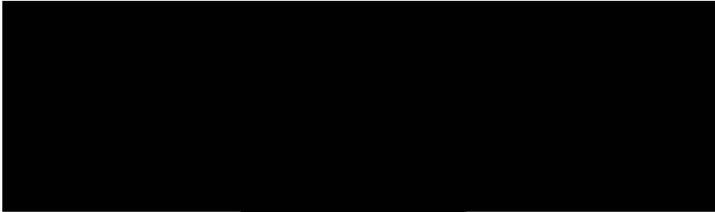
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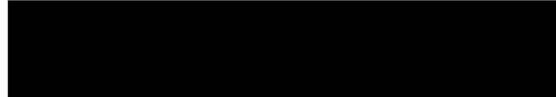
Office: SAN ANTONIO, TEXAS

Date:

MAR 03 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 District Director, San Antonio, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The District Director concluded the applicant had abandoned her Form I-212, failing to respond to a request for additional supporting documentation within the requisite time allowed and, therefore, denied the application. *See District Director's Decision* dated October 27, 2004.

On appeal, the applicant submits the documentation requested by the District Director.

The regulation at 8 C.F.R. § 103.2(b) states in pertinent part:

(13) Effect of failure to respond to a request for evidence or appearance. If all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. . . .

(15) Effect of withdrawal or denial due to abandonment. . . A denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen under Sec. 103.5.

The District Director determined the application had been abandoned and, therefore, denied the application pursuant to 8 C.F.R. § 103.2(b)(13). As noted above, a denial due to abandonment may not be appealed, but an applicant may file a motion to reopen or reopen pursuant to 8 C.F.R. § 103.5. As a denial due to abandonment cannot be appealed under 8 C.F.R. § 103.2(b)(15), the appeal must be rejected.

ORDER: The appeal is rejected.