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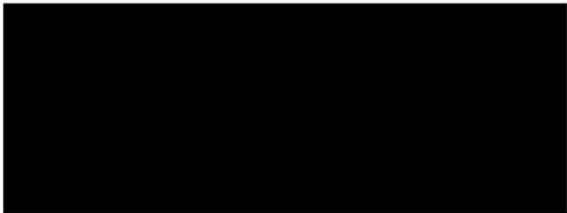
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]

Office: SAN ANTONIO, TX

Date: JUN 05 2008

IN RE:



APPLICATION: Application for Permission to Reapply for Admission into the United States after Deportation or Removal under Section 212(a)(9)(A) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(9)(A).

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for permission to reapply for admission after removal was denied by the Acting District Director, San Antonio, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as the underlying application is moot.

The applicant is a native and a citizen of Colombia who was issued an order of deportation on April 7, 1992 and removed from the United States on April 23, 1992. The applicant now 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 acting district director determined that the applicant illegally re-entered the United States, she required a Form I-601, Application for Waiver of Grounds of Inadmissibility, based on her inadmissibility under section 212(a)(2)(A)(i)(II); had failed to file the Form I-601 simultaneously with the Form I-212, Application for Permission to Reapply for Admission After Deportation or Removal. Accordingly, he denied the Form I-212 for having committed a crime. *Acting District Director's Decision*, dated November 17, 2006.

On appeal, the applicant asserts that she has not re-entered the United States since being deported and that she is not inadmissible under section 212(a)(2)(A)(i)(II) of the Act. *Letter in Support of Appeal*, at 1, dated December 1, 2006.<sup>1</sup>

Section 212(a)(9)(A) of the Act states, in pertinent part:

(A) Certain alien previously removed.-

. . . .

(ii) Other aliens.- Any alien not described in clause (i) who-

(I) has been ordered removed under section 240 or any other provision of law, or

(II) departed the United States while an order of removal was outstanding, and seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of such date in the case of a second or subsequent removal or at any time in the case of an aliens convicted of an aggravated felony) is inadmissible.

(iii) Exception.- Clauses (i) and (ii) shall not apply to an alien seeking admission within a period if, prior to the date of the aliens' reembarkation at a place outside the United States or attempt to be admitted from foreign continuous territory, the Attorney General [now, Secretary, Department of Homeland Security] has consented to the aliens' reapplying for admission.

The acting district director determined that the applicant re-entered the United States based on a July 13, 2005 letter that included the applicant's signature and a United States address listed underneath it. The applicant

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<sup>1</sup> The AAO notes that the applicant's sister wrote the letter in support of appeal. However, as she has not met all of the requirements of 8 C.F.R. § 292.1(a)(3), her Form G-28 will not be accepted.

asserts that she has not entered the United States since her deportation, the July 13<sup>th</sup> letter was drafted by an immigration attorney and forwarded to her in Colombia to be executed, and the applicant's sister delivered the letter to the office. *Letter in Support of Appeal*, at 1-2. The record includes copies of mail and envelopes dated February 16, 2004 and September 20, 2005. These copies list the applicant as the sender, list her address in Cali, Colombia underneath her name and are postmarked in Colombia. In addition, the record includes affidavits, dated November 30, 2006, from two of the applicant's neighbors in Colombia who testify that the applicant arrived from the United States in 1992 and has not departed since then. The record also includes a statement from the applicant's bank, dated November 30, 2006, which reflects that she has managed bank accounts with the Banco AV Villas in Cali, Colombia since June 19, 1998. A review of the record reflects that the applicant has not entered the United States since her deportation. As more than ten years have elapsed since the date of the applicant's deportation, she is not required to file Form I-212 and the appeal will be dismissed as the underlying application is moot.<sup>2</sup>

**ORDER:** The appeal is dismissed as the underlying application is moot.

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<sup>2</sup> The acting district director also found the applicant inadmissible under section 212(a)(2)(A)(i)(II) of the Act based on her July 19, 1991 convictions under 31 U.S.C. § 5316(a)(1)(A) for failure to file a report of international transportation of currency in excess of \$10,000 and under 18 U.S.C. § 1001 for false statement to a material fact. *Acting District Director's Decision*, at 5. The AAO notes that this provision deals with controlled substance violations, therefore, the applicant is not inadmissible under section 212(a)(2)(A)(i)(II) of the Act. However, the AAO also notes that false statement to a material fact is a crime involving moral turpitude, rendering the applicant inadmissible under section 212(a)(2)(A)(i)(I) of the Act and necessitating a Form I-601 application. As the activities resulting in her conviction are more than 15 years old, the applicant may apply for a waiver under section 212(h)(1)(A) of the Act, which requires evidence that admitting the applicant to the United States would not be contrary to its national welfare, safety, or security and that the applicant is rehabilitated.