



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: [Redacted] Office: EL PASO, TX Date: **MAR 24 2010**

IN RE: [Redacted]

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. 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 \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

Perry Rhew,
Chief, Administrative Appeals Office

DISCUSSION: The District Director, El Paso, Texas, denied the Application for Permission to Reapply for Admission into the United States after Deportation or Removal (Form I-212). The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

On June 21, 2006, the district director issued a request for further evidence requiring the applicant to submit evidence to establish her consistent residence outside of the United States since her removal in 2004. *See District Director's Request for Further Evidence*, dated June 21, 2006. The record indicates that the applicant failed to provide any response to the district director's request for further evidence. Accordingly, the district director denied the application due to abandonment. *See District Director's Decision*, dated June 3, 2009.

The regulation at 8 C.F.R. § 103.2(b)(13)(i) provides that if all requested initial evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. The regulation at 8 C.F.R. § 103.2(b)(15) provides that a denial due to abandonment may not be appealed, but an applicant may file a motion to reopen under 8 C.F.R. § 103.5.

Here, the applicant did not file a motion to reopen; as indicated on the Form I-290B, she filed an appeal. As a denial due to abandonment may not be appealed to the AAO, the appeal must be rejected.

ORDER: The appeal is rejected.