



U.S. Citizenship  
and Immigration  
Services

(b)(6)



DATE: **FEB 21 2013** OFFICE: PANAMA

FILE:

IN RE:

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:

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.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen in accordance with the instructions on Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Ron Rosenberg  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The Form I-212, Application for Permission to Reapply for Admission into the United States after Deportation or Removal (Form I-212) was denied by the Field Office Director, Panama City, Panama, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Colombia who was found to be inadmissible to the United States pursuant to section 212(a)(9)(A)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(A)(ii), for having been ordered removed, and seeking admission within ten years of removal, and section 212(a)(9)(B)(i)(II) of the Act, 8 U.S.C. § 1182(a)(9)(B)(i)(II), for having been unlawfully present in the United States for more than one year and seeking readmission within ten years of her departure or removal.<sup>1</sup> 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).

When considering the applicant's request for Form I-212 permission to reapply for admission, the director determined that the applicant was also inadmissible to the United States pursuant to section 212(a)(6)(B) of the Act, 8 U.S.C. § 212(a)(6)(B), for failing to attend removal proceedings and seeking admission into the United States within five years of her subsequent removal. See *Decision of the Field Office Director*, dated June 28, 2012. The applicant's Form I-212 application was denied accordingly.

On appeal, the applicant does not contest her inadmissibility. See *Form I-290B, Notice of Appeal or Motion*, dated July 17, 2012.

The record reflects that the applicant entered the United States without admission or parole in December 1999. The applicant was placed into removal proceedings, and on May 1, 2007 the applicant was ordered removed *in absentia* after she failed to appear for her removal hearing. The applicant departed the United States in 2008 or 2009.<sup>2</sup> The applicant is therefore inadmissible to the United States under section 212(a)(6)(B) of the Act for seeking admission to the United States within five years of her departure. The applicant does not contest these facts on appeal.

Section 212(a)(6)(B) of the Act states:

Failure to attend removal proceeding. -Any alien who without reasonable cause fails or refuses to attend or remain in attendance at a proceeding to determine the alien's inadmissibility or deportability and who seeks admission to the United

---

<sup>1</sup> The applicant's Form I-601, Application for Waiver of Grounds of Inadmissibility was denied on June 28, 2012, and has been appealed separately.

<sup>2</sup> The record contains inconsistent information regarding the applicant's departure date from the United States, indicating she departed in June 2008, in December 2008, and in August 2009. All information indicates, however, that less than 5 years have passed since her departure from the United States. The discrepancies therefore do not change the director's finding of inadmissibility under section 212(a)(6)(B) of the Act.

(b)(6)

Page 3

States within 5 years of such alien's subsequent departure or removal is inadmissible.

There is no statutory waiver available for the ground of inadmissibility arising under section 212(a)(6)(B) of the Act.

*Matter of Martinez-Torres*, 10 I&N Dec. 776 (reg. Comm. 1964) held that an application for permission to reapply for admission is properly denied, in the exercise of discretion, to an alien who is mandatorily inadmissible to the United States under another section of the Act, as no purpose would be served in granting the application.

As the applicant is inadmissible under section 212(a)(6)(B) of the Act, for which there is no waiver, the AAO finds that no purpose would be served in granting the applicant's Form I-212. The appeal will therefore be dismissed.

**ORDER:** The appeal is dismissed.