



U.S. Citizenship
and Immigration
Services

(b)(6)

Date: **MAR 20 2013**

Office: SAN DIEGO, CA

FILE: [REDACTED]

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:

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 District Director, San Diego, California, denied the Application for Permission to Reapply for Admission into the United States after Deportation or Removal (Form I-212) and it is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant is a native and citizen of Mexico who on May 13, 2003 was ordered removed from the United States after stating that he was a U.S. citizen in an attempt to gain admission at the San Ysidro Port of Entry. The applicant reentered the United States without inspection after his removal. The applicant is inadmissible pursuant to section 212(a)(9)(A)(ii), 212(a)(9)(C), and 212(a)(6)(C)(ii) of the Act of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(A)(ii), 1182(a)(9)(C), 1182(a)(6)(C)(ii). He 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.

In a decision, dated March 9, 2012, the field office director determined that as an applicant inadmissible under section 212(a)(6)(C)(ii) of the Act for falsely representing himself as a U.S. citizen, there was no waiver for the applicant's ground of inadmissibility and no purpose would be served in granting the applicant's Form I-212. His Form I-212 was denied accordingly.

In a brief on appeal, dated March 21, 2012, the applicant states that he has lived in the United States since he was six years old, that Mexico is a strange and dangerous country to him, that he was intoxicated when questioned by the immigration officer at the San Ysidro Port of Entry, that he made a mistake in claiming to be born in the United States, and the interview with the immigration officer shows many discrepancies.

The record indicates that on May 12, 2003, the applicant attempted to enter the United States at the San Ysidro Port of Entry claiming that he was born in San Diego, California and was a U.S. citizen. On May 13, 2003, the applicant was interviewed by an immigration officer stating again that he had claimed to be a U.S. citizen in an attempt to enter the United States. We note that the applicant's assertions regarding discrepancies are not reflected in his interview answers from May 13, 2003.

Section 212(a)(6)(C) of the Act provides, in pertinent part:

- (i) Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible.

(ii) Falsely claiming citizenship. –

(I) In General –

Any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the

(b)(6)

United States for any purpose or benefit under this Act . . .
.. is inadmissible.

....

- (ii) Waiver authorized. – For provision authorizing waiver of clause (i), see subsection (i).

Section 212(i) of the Act provides:

- (1) The Attorney General [now the Secretary of Homeland Security (Secretary)] may, in the discretion of the Attorney General [Secretary], waive the application of clause (i) of subsection (a)(6)(C) in the case of an alien who is the spouse, son or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, if it is established to the satisfaction of the Attorney General [Secretary] that the refusal of admission to the United States of such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse or parent of such an alien.

The applicant is subject to the provisions of section 212(a)(6)(C)(ii) of the Act. No waiver is available to an alien who falsely makes a claim to U.S. citizenship in an effort to gain an immigration benefit, therefore, no purpose would be served in adjudicating the application to reapply for admission into the United States under section 212(a)(9)(A)(iii) or 212(a)(9)(C)(i)(II) of the Act. As the applicant is statutorily inadmissible to the United States, the Form I-212 was properly denied by the district director. The applicant's appeal is dismissed.

ORDER: The appeal is dismissed.