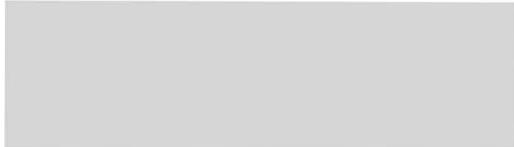




U.S. Citizenship
and Immigration
Services

(b)(6)



DATE: **JUN 22 2015**

FILE #: [REDACTED]

APPLICATION RECEIPT #: [REDACTED]

IN RE: Applicant: [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:

NO REPRESENTATIVE OF RECORD

Enclosed is the non-precedent decision of the Administrative Appeals Office (AAO) for your case.

If you believe we incorrectly decided your case, you may file a motion requesting us to reconsider our decision and/or reopen the proceeding. The requirements for motions are located at 8 C.F.R. § 103.5. Motions must be filed on a Notice of Appeal or Motion (Form I-290B) **within 33 days of the date of this decision**. The Form I-290B web page (www.uscis.gov/i-290b) contains the latest information on fee, filing location, and other requirements. **Please do not mail any motions directly to the AAO.**

Thank you,

A handwritten signature in black ink that reads "Ron Rosenberg".

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The application for permission to reapply for admission after deportation or removal was denied by the District Director, San Diego, California, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed as the application is no longer necessary.

The applicant is a native and citizen of Mexico who on October 14, 2000, at the San Ysidro, California port of entry, was found to be inadmissible to the United States pursuant to section 212(a)(6)(C)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(ii), as an alien who falsely represented himself to be a citizen of the United States for any purpose or benefit under the Act. The applicant was removed to Mexico pursuant to section 235(b)(1) of the Act, 8 U.S.C. § 1225 on that date. The District Director indicates that the applicant is inadmissible under section 212(a)(9)(A)(i) of the Act, 8 U.S.C. § 1182(a)(9)(A)(i). 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).

The District Director determined that no waiver is available under section 212(a)(6)(C)(ii) of the Act, and the applicant is permanently inadmissible. The District Director denied the Application for Permission to Reapply for Admission After Deportation or Removal (Form I-212) accordingly. See *District Director's Decision*, dated February 4, 2009.

On appeal, the applicant states that he regrets lying when trying to enter the United States; he knew he was not supposed to lie; he wanted to enter the United States to work and support himself; he has two U.S. citizen children who need him; he has not committed any crimes; and he does not have any bad habits. *Form I-290B, Notice of Appeal or Motion*, filed February 23, 2009.

The record includes, but is not limited to, the applicant's statement, statements from family members of the applicant, medical documentation, and the applicant's immigration records. The entire record was reviewed and considered in rendering a decision on the appeal.

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

(A) Certain aliens previously removed.-

- (i) Arriving aliens.- Any alien who has been ordered removed under section 235(b)(1) or at the end of proceedings under section 240 initiated upon the alien's arrival in the United States and who again seeks admission within five years of the date of such removal (or within 20 years in the case of a second or subsequent removal or at any time in the case of an alien convicted of an aggravated felony) is inadmissible.
- (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 who 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 alien 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 alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, the Attorney General [now Secretary of the Department of Homeland Security] has consented to the alien's reapplying for admission.

The record reflects that applicant sought admission to the United States on October 14, 2000. The applicant's Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act reflects that he made a false claim to U.S. citizenship while seeking admission on this date. Specifically, he stated to the U.S. inspecting officer at the San Ysidro, California, port of entry that he was a U.S. citizen and that he was born in Van Nuys, California. The applicant was found to be inadmissible under sections 212(a)(6)(C)(ii) and 212(a)(7)(A)(i)(I) of the Act. He was therefore ordered removed under section 235(b)(1) of the Act and removed on October 14, 2000.

The record reflects that the applicant has been outside of the United States since October 14, 2000. As he has been outside of the United States for at least five years, he is no longer inadmissible under section 212(a)(9)(A)(i) of the Act. As such, he is not required to file a Form I-212.

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

- (I) In General- Any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under this Act (including section 274A) or any other Federal or State law is inadmissible.
- (II) Exception- In the case of an alien making a representation described in subclause (I), if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of making such representation that he or she was a citizen, the alien shall not be considered to be inadmissible under any provision of this subsection based on such representation.

Based on the applicant's false claim of U.S. citizenship on October 14, 2000, we find that the applicant is inadmissible to the United States pursuant to section 212(a)(6)(C)(ii)(I) of the Act. The

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NON-PRECEDENT DECISION

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record includes no evidence to show that the exception in section 212(a)(6)(C)(ii)(II) of the Act applies to him. The applicant does not contest this ground of inadmissibility.

No waiver is available for inadmissibility under section 212(a)(6)(C)(ii)(II) of the Act. As mentioned, the applicant is no longer required to file a Form I-212. However, his inadmissibility under section 212(a)(6)(C)(ii) of the Act is a permanent bar to admission. This permanent bar would be applicable to any future applications for admission.

ORDER: The appeal is dismissed.