



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 20793705

Date: MAY 23, 2022

Appeal of Nebraska Service Center Decision

Form I-212, Application for Permission to Reapply for Admission

The Applicant seeks permission to reapply for admission to the United States under section 212(a)(9)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(A)(iii).

The Director of the Nebraska Service Center denied the Form I-212, Application for Permission to Reapply for Admission into the United States (Form I-212) as a matter of discretion. The Director concluded that the Applicant was ordered removed and departed the United States and is therefore inadmissible under section 212(a)(9)(A)(ii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(ii).

The Applicant was found inadmissible to the United States for having been convicted of a crime involving moral turpitude (CMT). *See* Immigration and Nationality Act (the Act) Section 212(a)(2)(A)(i)(I), 8 U.S.C. § 1182(a)(2)(A)(i)(I). The Applicant submitted a Form I-601, Application for Waiver of Grounds of Inadmissibility (Form I-601), seeking a waiver of this inadmissibility, which was denied as a matter of discretion because the Director concluded that the submitted evidence did not show his wife and children would suffer “extreme hardship” in his absence.

Because the Applicant’s waiver application was denied, the Director denied the instant Form I-212 as a matter of discretion, determining that the Applicant would remain inadmissible to the United States even if U.S. Citizenship and Immigration Services (USCIS) were to grant the Form I-212. The matter is now before us on appeal. We review the questions raised in this matter *de novo*. *Matter of Christo’s Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will dismiss the appeal.

On appeal, the Applicant contends that the Director erred in denying the Form I-212 based on the Form I-601 denial. The Applicant explains that he filed a motion to reopen and reconsider the Form I-601 and requests that the appeal for the Form I-212 be approved since, he argues, the Form I-601 was denied erroneously. However, although the Applicant filed a motion to reopen and reconsider the Form I-601, at this point in time it remains denied.

An application for permission to reapply for admission is properly denied, in the exercise of discretion, to an applicant who is mandatorily inadmissible to the United States under another section of the Act, as no purpose would be served in granting the application. *Matter of Martinez-Torres*, 10 I&N Dec. 776 (Reg’l Comm’r 1964). Further, the Applicant has identified no relevant authority requiring us to

hold the appeal of the Form I-212 in abeyance pending adjudication of the Applicant's combined motions to reopen and reconsider of the Form I-601. Because the Applicant's waiver application has been denied, he remains inadmissible under section 212(a)(2)(A)(i)(I) of the Act, and we will dismiss the current appeal as a matter of discretion.

ORDER: The appeal is dismissed.