



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

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

In Re: 25672344

Date: MAY 24, 2023

Appeal of U.S. Customs and Border Protection Decision

Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal

The Applicant, who was removed from the United States and currently resides abroad seeks permission to reapply for admission to the United States as a nonimmigrant 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 U.S. Customs and Border Protection, Admissibility Review Office denied the Form I-212, concluding that the exercise of discretion in the Applicant's favor was not appropriate at this time. The Director further determined that the Applicant was also inadmissible under section 212(a)(6)(C)(i) of the Act, for fraud or misrepresentation. The Applicant filed the Form I-192, Application for Advance Permission to Enter as a Nonimmigrant, seeking a waiver pursuant to section 212(d)(3) of the Act, but the Director denied the application and the Board of Immigration Appeals dismissed the Applicant's appeal of that decision.

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). Because the Applicant's Form I-192, Application for Advance Permission to Enter as a Nonimmigrant has been denied, he remains inadmissible under section 212(a)(6)(C)(i) of the Act, and we will dismiss the appeal of the denial of his request for permission to reapply for admission as a matter of discretion.

ORDER: The appeal is dismissed.