



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

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 28771489

Date: NOVEMBER 17, 2023

Appeal of Nebraska Service Center Decision

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

The Applicant seeks approval of her application for permission to reapply for admission to the United States through the filing of a Form I-212, Application for Permission to Reapply for Admission (Form I-212).

The Applicant was also found inadmissible under section 212(h) of the Act for having been convicted of a crime involving moral turpitude. The Applicant submitted the Form I-601, Application for Waiver of Grounds of Inadmissibility, seeking a waiver of her inadmissibility. The Director denied the Applicant's Form I-601 and in a separate decision, we dismissed an appeal of the denial, finding that she is statutorily ineligible for a waiver of inadmissibility because she was convicted of an aggravated felony after admission to the United States as a lawful permanent resident.

A Form I-212 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, 776-77 (Reg'l Comm'r 1964). Because the Applicant's waiver application has been denied, she remains inadmissible under section 212(h) of the Act, and we will dismiss the appeal of the denial of her Form I-212 as a matter of discretion.

ORDER: The appeal is dismissed.