



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

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

In Re: 21943035

Date: DEC. 1, 2023

Appeal of Washington Field Office 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), after having been previously ordered removed.

The Director of the Washington Field Office denied the Applicant's Form I-485, Application to Adjust Status or Register Permanent Residence (Form I-485), concluding that the Applicant remained in removal proceedings and U.S. Citizenship and Immigration Services (USCIS) was without jurisdiction to adjudicate his adjustment of status request. The Director then denied the Applicant's Form I-212, Application for Permission to Reapply for Admission (Form I-212), as a matter of discretion, finding that the Applicant's Form I-485 was no longer pending and thus, no purpose would be served in granting the Form I-212. On appeal, the Applicant asserts eligibility for the benefit sought.

Electronic USCIS records establish that in June 2023, subsequent to the filing of the instant appeal, the Applicant's Form I-485 was reopened by the Director. Accordingly, we will withdraw the Director's decision to deny the Applicant's Form I-212 and remand the matter for further proceedings and the entry of a new decision.

ORDER: The Director's decision is withdrawn. The matter is remanded for the entry of a new decision.