



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

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

In Re: 28623426

Date: NOVEMBER 6, 2023

Appeal of Oakland Park, Florida Field Office Decision

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

The Applicant seeks approval of his application for permission to reapply for admission to the United States.

The Director of the Oakland Park, Florida Field Office denied the Form I-212, Application for Permission to Reapply for Admission (Form I-212) as a matter of discretion, concluding that no purpose would be served in approving the application because the Applicant's Form I-485, Application to Register Permanent Residence or Adjust Status (Form I-485), was denied concurrently for ineligibility under section 245(a) of the Immigration and Nationality Act (the Act).

On appeal, the Applicant contends that his Form I-485 was denied erroneously. He also argues that the Form I-485 and Form I-212 are separate and independent applications and the Form I-485 decision should have no impact on the Form I-212 adjudication.

As noted by the Director, the Applicant was found ineligible for adjustment of status before U.S. Citizenship and Immigration Services, and there is no indication in the record that the Applicant has filed a motion to reopen or reconsider the denial of his Form I-485. Because the Applicant no longer has a pending, underlying adjustment of status application, no purpose would be served in adjudicating his Form I-212 as it would not result in his adjustment of status to that of a noncitizen lawfully admitted for permanent residence. The appeal of the denial of the Form I-212 will therefore be dismissed as a matter of discretion.

ORDER: The appeal is dismissed.