



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

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

In Re: 28793021

Date: NOV. 28, 2023

Appeal of Nebraska Service Center Decision

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

The Applicant, a native and citizen of El Salvador, was found inadmissible as a noncitizen who has been order removed. Section 212(a)(9)(A)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(A)(ii). He seeks permission to reapply for admission into the United States under section 212(a)(9)(A)(iii) of the Act, which provides a discretionary exception to section 212(a)(9)(A)(ii) inadmissibility that must be filed on a Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal (Form I-212).

The Director of the Nebraska Service Center denied the Applicant's Form I-212 as a matter of discretion, concluding that approval of Form I-212 would serve no purpose because even if approved, his concurrently filed Form I-601, Application for Waiver of Grounds of Inadmissibility, was denied and he would therefore remain inadmissible.¹ The matter is now before us on appeal, which we review 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.

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 J-F-D-*, 10 I&N Dec. 694 (Reg'l Comm'r 1963); *see also Matter of Martinez-Torres*, 10 I&N Dec. 776 (Reg'l Comm'r 1964). Because the Applicant's waiver application has been denied, he remains inadmissible under section 212(a)(6)(B) of the Act, and we will dismiss the appeal of the denial of his application for permission to reapply for admission as a matter of discretion.

ORDER: The appeal is dismissed.

¹ The Applicant filed a Form I-601, seeking a section 212(a)(9)(B)(v) discretionary waiver of inadmissibility for being inadmissible for unlawful presence under section 212(a)(9)(B)(i)(II), and the Director denied this application as a matter of discretion because the Applicant remains inadmissible until September 2024 under section 212(a)(6)(B) of the Act for failing to attend removal proceedings and seeking admission within five years of his subsequent removal.