



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

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

In Re: 16692213

Date: APR 18, 2022

Appeal of Nebraska Service Center 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).

The Director of the Nebraska Service Center denied the Form I-212 application, and a related Form I-601, Application for Waiver of Grounds of Inadmissibility, based on the Applicant's failure to establish that she has been interviewed by a consular officer of the U.S. Department of State (DOS) and found inadmissible. In a separate decision, we dismissed an appeal of the denial of the Form I-601, concluding that the Applicant was not eligible to file a waiver application because she had not been interviewed and found inadmissible. On appeal, the Applicant contends that the Director erred in denying her application for permission to reapply.

The Applicant bears the burden of proof in these proceedings to establish eligibility for the requested benefit by a preponderance of the evidence. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010). Upon *de novo* review, we will dismiss the appeal.

The record does not establish that the Applicant has an active visa processing case at DOS. The record indicates that at the initial visa interview in 2019, DOS notified the Applicant, in part, that she did not submit a medical examination. In December 2020, the Applicant appeared for another visa interview in which the consular officer noted that the Applicant showed up without her medical documentation for the second time. The consular officer also determined that since the application had been pending for over a year that she would need to pay a new visa fee, but the Applicant did not pay the fee. DOS refused the visa application due to the lack of required documentation.

As the record does not establish that the Applicant has an active visa processing case with DOS that would facilitate the issuance of an immigrant visa for admission to the United States, no purpose would be served in adjudicating her application for permission to reapply for admission. The appeal of the denial of the application for permission to reapply will therefore be dismissed as a matter of discretion.

ORDER: The appeal is dismissed.