



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

Non-Precedent Decision of the
Administrative Appeals Office

In Re: 18164716

Date: MAY 2, 2022

Appeal of San Juan, Puerto Rico Field Office Decision

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

The Applicant will be inadmissible upon his departure from the United States for having been previously ordered removed and 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 San Juan, Puerto Rico Field Office denied the Form I-212, Application for Permission to Reapply for Admission (Form I-212), as a matter of discretion, concluding that the Applicant was inadmissible to the United States under section 212(a)(6)(C)(ii) of the Act for falsely claiming U.S. citizenship, for which no waiver is available. On appeal, the Applicant contends that he has established eligibility for the benefit sought. We review the questions raised in this matter 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.

Section 212(a)(6)(C)(ii)(I) of the Act provides that a noncitizen who, on or after September 30, 1996, falsely represents to be a citizen of the United States for any purpose or benefit under the Act or any other Federal or State law is inadmissible. There is no waiver for this inadmissibility. In these proceedings, it is the Applicant's burden to establish eligibility for the requested benefit. *Matter of Chawathe*, 25 I&N Dec. 369, 375 (AAO 2010).

On appeal, the Applicant asserts that he has never applied for a U.S. passport or falsely represented himself to be a citizen of the United States. Contrary to the Applicant's assertions, government records indicate that the Applicant has used different identities throughout his encounters with U.S. government officials, including in [REDACTED] 2011, when he applied for a U.S. passport in New York using the identity and U.S. birth certificate of another individual. As such, the record indicates that the Applicant is inadmissible under section 212(a)(6)(C)(ii) of the Act and there is no waiver for this inadmissibility. Under these circumstances, no purpose would be served by determining whether the Applicant merits approval of his application as a matter of discretion because he would remain permanently inadmissible. Consequently, we find no error in the Director's denial of the application in the exercise of discretion, and we need not address the evidence in the record relating to the positive and negative factors in the case or determine whether a favorable exercise of discretion would be warranted. The application will therefore remain denied.

ORDER: The appeal is dismissed.