



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

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

In Re: 26110052

Date: MARCH 2, 2023

Motion on Administrative Appeals Office Decision

Form I-485, Application to Adjust Status

The Applicant seeks to adjust his status to that of a lawful permanent resident under section 245 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1255.

The Director of the Texas Service Center denied the adjustment of status request, concluding that the Applicant was inadmissible to the United States under section 212(a)(6)(C)(i) of the Act, 8 U.S.C. § 1182(a)(6)(C)(i), for fraud or willful misrepresentation, and did not qualify for a waiver of inadmissibility. We affirmed the Director's findings on certification and dismissed the Applicant's eight subsequent motions to reopen and/or reconsider. In our prior decisions, which we incorporate here by reference we acknowledged the Applicant's claim that his misrepresentation was not intentional. We explained, however, citing *Parlak v. Holder*, 578 F.3d 457 (6th Cir. 2009) that a willful misrepresentation does not require an intent to deceive to trigger inadmissibility under section 212(a)(6)(C)(i) of the Act. We recognized the Applicant's claim that unlike the individual in *Parlak* he has no apparent criminal history, but explained that neither the Act nor the regulations authorize a discretionary grant of adjustment of status under section 245 of the Act to a noncitizen who is statutorily ineligible for such adjustment.

On this ninth motion to reconsider, the Applicant resubmits documents concerning his U.S. citizen children, reiterates that he is a law-abiding noncitizen and a business owner with no criminal history, and renews his request for adjustment of status as a matter of discretion.

A motion to reconsider must establish that our prior decision was based on an incorrect application of law or U.S. Citizenship and Immigration Services' policy and that it was incorrect based on the evidence in the record of proceedings at the time of the decision. 8 C.F.R. § 103.5(a)(3). The Applicant's motion does not satisfy these requirements. He does not identify any law or policy errors in our prior decision, nor does he claim that the decision was otherwise incorrect based on the evidence in the record at the time we dismissed his last motion. Consequently, we must dismiss the instant motion to reconsider. 8 C.F.R. § 103.5(a)(4).

ORDER: The motion to reconsider is dismissed.