



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

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

In Re: 27740091

Date: SEPT. 18, 2023

Motion on Administrative Appeal Office Decision

Form I-485, Application to Register Permanent Residence or 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 of material facts, and did not have a qualifying relative to seek a waiver of this inadmissibility ground. We affirmed the Director's findings on certification and dismissed the Applicant's nine subsequent motions to reopen and/or reconsider. We acknowledged the Applicant's claim that his misrepresentation was not intentional, but explained that a willful misrepresentation does not require an intent to deceive to trigger inadmissibility under section 212(a)(6)(C)(i) of the Act.

In our last decision dismissing the Applicant's ninth motion to reconsider, which we incorporate here by reference, we concluded that his motion did not meet the requirements set forth in the regulation at 8 C.F.R. § 103.5(a)(3), because he did not identify any legal or U.S. Citizenship and Immigration Services' policy errors in our decision, and he did not show that the decision was otherwise incorrect based on the evidence in the record at the time we dismissed his eighth motion.

On this tenth motion to reconsider, the Applicant repeats his previous claim that he was not aware of the misrepresentation until he applied for adjustment of status. He requests us to reconsider our previous decision and favorably exercise discretion in his case. However, as the Applicant again does not point to any legal or policy errors in our prior decision, and he does not claim that it was incorrect based on the evidence in the record at the time, we will again dismiss his motion to reconsider. 8 C.F.R. § 103.5(a)(4). Neither the Act nor the regulations authorize us to grant adjustment of status under section 245 of the Act as a matter of discretion to a noncitizen who is statutorily ineligible for such adjustment.

ORDER: The motion to reconsider is dismissed.