



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

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

In Re: 22465466

Date: SEPT. 20, 2022

Appeal of El Paso, Texas Field Office Decision

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

The Applicant, who requested an immigrant visa abroad, was found inadmissible under section 212(a)(9)(C)(i)(I) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(C)(i)(I), for reentering the United States without being admitted after prior unlawful presence for an aggregate period of more than one year. He seeks permission to reapply for admission to the United States under section 212(a)(9)(C)(ii) of the Act, which is an exception to this inadmissibility. U.S. Citizenship and Immigration Services (USCIS) may grant such permission in the exercise of discretion to noncitizens who seek admission after spending 10 years abroad following their last departure.

The Director of the El Paso, Texas Field Office denied the application, concluding that the Applicant did not establish, as required, that he resided abroad for the requisite 10 years after his last departure from the United States in 2007. Specifically, the Director determined that the evidence of the Applicant's residence in Mexico was incomplete because it did not include documents to show that he stayed there during the 2014-2016 period.

On appeal, the Applicant clarifies that he last departed from the United States in 2009, and submits additional documents to show that he resided and was employed in Mexico within the 2014-2016 timeframe. He also submits photographs, a letter from a friend, and a statement from his spouse.

Upon *de novo* review, we will remand the matter to the Director for further proceedings consistent with our opinion below.

The new evidence includes a letter from the human resources manager at [redacted], a Mexican company confirming that the Applicant was employed there from July 2013 through November 2014. In the second letter, the general director of [redacted] another Mexican company states that the Applicant worked there from October 2014 until November 2015. The third letter, from the [redacted] personnel manager confirms the Applicant's employment with the company as a production operator from January 2015 until the end of February 2017. The letters point to the Applicant's employment in Mexico from mid-2013 through February 2017 and, as such they appear to address the evidentiary deficiency identified by the Director.

We will therefore return the matter to the Director to determine whether the evidence in the aggregate is now sufficient to establish that the Applicant has been residing in Mexico for at least 10 years after his last departure from the United States and, if so, whether he merits a grant of permission to reapply for admission to the United States as a matter of discretion.

ORDER: The decision of the Director is withdrawn. The matter is remanded for the entry of a new decision consistent with the foregoing analysis.