

Atlanta District Office

U.S. Department of Homeland Security
2150 Parklake Drive NE
Atlanta, GA. 30345



U.S. Citizenship
and Immigration
Services

Date: March 10, 2011

A-File No.: A78591393

The Employment Law Group, P.C.
c/o R. Scott Oswald
888 17th Street, N.W. Suite 900
Washington, D.C. 20006-3307

Re: **Germar Rudolf**

DECISION

You have filed Form I-212, Application for Permission to Reapply for Admission into the United States after Deportation or Removal, on **July 15, 2009**. The application is based upon the grounds that you were deported and removed from the United States. You now seek to reapply for admission or adjustment of status.

Upon consideration, it is ordered that your (Form I-212) be denied for the following reason(s):

You are seeking admission to the United States after the five (5) consecutive years since your deportation or removal.

Section 212 (a)(9)(A) of the Act states in pertinent part:

(9) ALIENS PREVIOUSLY Removed.-

(A) Certain aliens previously removed.-

(i) Arriving aliens.-Any alien who has been ordered removed under section 235(b)(1) or at the end of proceedings under section 240 initiated upon the alien's arrival in the United States and who again seeks admission within 5 years of the date of such removal (or within 20 years in the case of a second or subsequent removal or at any time in the case of an alien convicted of an aggravated felony) is inadmissible.

(ii) Other aliens.-Any alien not described in clause (i) who-

(I) has been ordered removed under section 240 or any other provision of law, or

(II) departed the United States while an order of removal was outstanding, and who seeks admission within 10 years of the date of such alien's departure or removal (or within 20 years of such date in the case of a second or subsequent removal or at any time in the case of an alien convicted of an aggravated felony) is inadmissible.

(iii) Exception.-Clauses (i) and (ii) shall not apply to an alien seeking admission within a period if, prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, the Attorney General has consented to the alien's reapplying for admission.

Title 8 Code of Federal Regulations, Section 212.2 (a) states in pertinent part...

“Any alien who has been deported or removed from the United States is inadmissible to the United States unless the alien has remained outside of the United States for five consecutive years since the date of deportation or removal.”

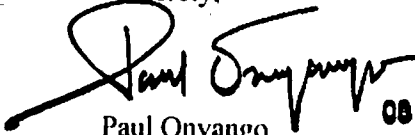
Service records show that you were removed from the United States on **November 14, 2005**. You were therefore inadmissible under section 212(a)(9)(A)(i) of the Immigration Nationality Act. (the Act). Under section 212(a)(9)(A)(i) of the Act, you were required to obtain consent to reapply for admission to the United States. However, the ground of inadmissibility for which you filed the Form I-212 waiver seeking admission before the five years from the removal date has passed. INA §212(a)(9)(A)(iii).

Since you are no longer inadmissible under section 212(a)(9)(A)(i) of the Act and have remained outside the United States for over the required five year period, the Form I-212 waiver has been determined to be unnecessary. Therefore, based on the foregoing discussion, your application is hereby denied.

You may request an appeal of this decision. You must submit an appeal to **THIS OFFICE** with a filing fee. If you do not file an appeal within the time allowed, this decision final. Appeal in your may be made to:

Do NOT send your appeal directly to the AAU. Please direct any questions you may have to the U.S. Citizenship and Immigration Services office nearest your residence.

Sincerely,


Paul Onyango 08
Field Office Director

cc: R. Scott Oswald

Att.: cab