



U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
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Washington, D.C. 20536

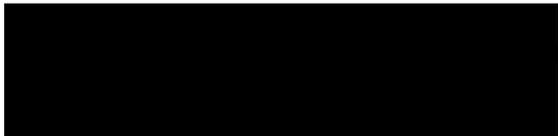


File # [REDACTED] Office: VERMONT SERVICE CENTER Date: FEB 21, 2006

IN RE: Applicant: [REDACTED]

Application: Application for Advance Permission to Return to Unrelinquished Domicile Pursuant to Section 212(c) of the Immigration and Nationality Act, 8 U.S.C. 1182(c)

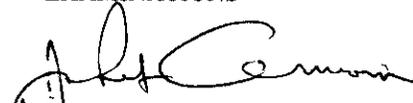
IN BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS


Terrance M. O'Reilly, Director
Administrative Appeals Office

DISCUSSION: The application for the exercise of discretion under section 212(c) of the Act was denied by the director, Vermont Service Center. The matter is now before the Associate Commissioner for Examinations on appeal. The appeal will be rejected.

Regarding the denial of an application for the exercise of discretion under section 212(c) of the Act, the regulation at 8 CFR 212.3(c) states, in pertinent part: "No appeal shall lie from denial of the application, but the application may be renewed before an Immigration Judge as provided in paragraph (e) of this section."

It is noted that the director erroneously informed the applicant that an appeal could be made to the Commissioner on Form I-290B. The director's error does not, and cannot, supersede the regulation regarding the applicant's ability to appeal the decision.

For this reason, the appeal must be rejected.

ORDER: The appeal is rejected.

Identification data deleted to
prevent clearly unwarranted
invasion of personal privacy