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U.S. Citizenship
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Services



HH

MAY 20 2004

FILE:

Office: CALIFORNIA SERVICE CENTER, CA

Date:

IN RE: Applicant:

APPLICATION: Application for Permission to Reapply for Admission into the United States after Deportation or Removal under section 212(a)(9)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(9)(A)(iii)

ON BEHALF OF APPLICANT: SELF-REPRESENTED

INSTRUCTIONS:

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

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for permission to reapply for admission after removal was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant is a native and citizen of Mexico who on September 14, 2000, attempted to gain entry into the United States by presenting a Form I-551 (Resident Alien Card) that did not belong to him. The applicant was found to be inadmissible to the United States pursuant to sections 212(a)(6)(C)(i) and 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i) and 8 U.S.C. § 1182(a)(7)(A)(i)(I). The applicant was removed to Mexico for having sought to procure admission into the United States by fraud and willful misrepresentation of a material fact. October 20, 2000, the applicant reapplied for admission at the San Ysidro, Port of Entry by presenting a Mexican Passport with a fraudulent ADIT stamp. On the same day his prior removal order was reinstated pursuant to section 241(a)(5) of the Act and the applicant was removed to Mexico. The applicant is inadmissible under § 212(a)(9)(A)(ii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(ii) and seeks permission to reapply for admission into the United States under section 212(a)(9)(A)(iii) of the Act, 8 U.S.C. 1182(a)(9)(A)(iii) in order to travel to the United States to reside with his spouse and children.

The director determined that section 241(a)(5) of the Act, 8 U.S.C. 1231(a)(5) applies in this matter and the applicant is not eligible and may not apply for any relief and denied the Application for Permission to Reapply for Admission After Removal (Form I-212) accordingly. *See Director Decision* dated September 17, 2003.

On appeal, filed on October 21, 2003, the applicant's spouse states that the Notice of Decision (Form I-292) was late and that she will need additional time to file a brief. In the Notice of Appeal to the AAO (Form I-290B) the applicant's spouse presented no proof that the Form I-292 was late and no reason for the appeal. To this day, more that seven months later, no documentation has been received by the AAO.

The regulation at 8 C.F.R. § 103.3(a)(1) states in pertinent part:

(v) Summary dismissal. An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal....

In the instant case the appeal failed to identify any erroneous conclusion of law or statement of fact for the appeal and therefore it will be summarily dismissed.

ORDER: The appeal is summarily dismissed.