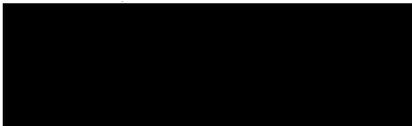


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U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services

PUBLIC COPY

ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536



JUN 05 2003

FILE:

Office: Vermont Service Center

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:

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

This is the decision 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.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. § 103.5(a)(1)(i).

If you have new or additional information that you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Bureau of Citizenship and Immigration Services (Bureau) where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. *Id.*

Any motion must be filed with the office that originally decided your case along with a fee of \$110 as required under 8 C.F.R. § 103.7.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The applicant is a native and citizen of Guatemala who was present in the United States without a lawful admission or parole on June 20, 1991. On March 21, 1995, he was served with an Order to Show Cause. On July 7, 1995, the applicant withdrew his application for asylum and withholding of deportation, and an immigration judge granted him until July 7, 1996, to depart the United States voluntarily in lieu of removal. He failed to depart by that date. Therefore he is inadmissible under section 212(a)(9)(A)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(A)(ii).

The applicant [REDACTED] a native and citizen of the Dominican Republic and lawful permanent resident, on May 27, 1995, while in deportation proceedings. The applicant is the father of two U.S. citizen children. The applicant states that he is unmarried but the record fails to contain evidence of the termination of his marriage of record. He 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).

It is noted that the applicant filed his initial Form I-212 application on March 9, 2001. That application was denied and an appeal of that decision was dismissed on January 7, 2002. The AAO dismissed a motion to reopen on April 15, 2002. The applicant filed the present application on April 19, 2002, and it was denied on November 18, 2002, for the same reason as the previous application, that the unfavorable factors outweighed the favorable ones.

On appeal, the applicant requests reconsideration as a human being. The applicant states that he wants to legalize his status, and questions what he would do in his native country where there is a high level of crime and poverty. The applicant submits nine letters of recommendation in support of his appeal.

Pursuant to 8 C.F.R. § 103.3(a)(1)(v), 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.

The issues in this matter were thoroughly discussed by the director and the AAO in prior decisions. Since no new issues have been presented for consideration, the appeal will be summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

ORDER: The appeal is summarily dismissed.