



U.S. Citizenship  
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Services

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FILE:  Office: CALIFORNIA SERVICE CENTER Date: AUG 05 2005

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 August 15, 1999, at the San Luis, Arizona, Port of Entry applied for admission into the United States. The applicant presented a counterfeit temporary alien registration card. He was found inadmissible pursuant to section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182 (a)(6)(C)(i) for having attempted to procure admission into the United States by fraud. Consequently on the same day the applicant was expeditiously removed from the United States pursuant to section 235(b)(1) of the Act, 8 U.S.C. § 1225(b)(1). The record reflects that the applicant reentered the United States on November 3, 2002, without a lawful admission or parole, and without permission to reapply for admission, in violation of section 276 of Act, 8 U.S.C. § 1326 (a felony). On November 4, 2002, a Border Patrol Agent apprehended the applicant. On the same date in the United States District Court for the District of Arizona the applicant was convicted pursuant to title 8 U.S.C. § 1325 for knowingly, willfully and unlawfully entering the United States at a time or place not designated by Immigration Officers. He was sentenced to twenty days imprisonment. A Notice of Intent/Decision to Reinstate Prior Order (Form I-871) was issued pursuant to section 241(a)(5) of the Act, 8 U.S.C. § 1231(a)(5), and the applicant was removed to Mexico on November 21, 2002. The applicant is inadmissible under section 212(a)(9)(A)(ii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(ii). He now 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 as a nonimmigrant visitor.

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 for any relief or benefit from his Application for Permission to Reapply for Admission After Deportation or Removal (Form I-212). The Director denied the Form I-212 accordingly. *See Director's Decision* dated October 18, 2004.

On appeal the applicant submits a letter in which he states: “. . . I am sorry of having made the errors of trying to pass without papers. I am an honest person that works in Mexico and I wanted to obtain a tourist's visa to accompany my family of purchase and to take trips, because I live in the border. . . .”

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 applicant has 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.