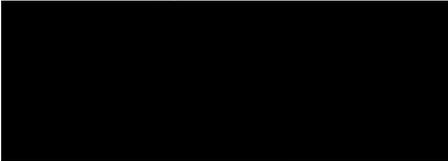




U.S. Citizenship
and Immigration
Services

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prevent clearly unwarranted
invasion of personal privacy

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FILE:



Office: VERMONT SERVICE CENTER

Date: DEC 23 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 into the United States after Deportation or Removal (Form I-212) was denied by the Director, Vermont 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 Colombia who on November 27, 1994, was admitted into the United States as a conditional resident, based on his marriage to a U.S. citizen. On February 25, 1997, the applicant's marriage was deemed fraudulent, and his Petition to Remove the Condition on Residence (Form I-751) was denied. On January 22, 1998, the applicant failed to appear for a removal hearing and he was subsequently ordered removed in absentia by an Immigration Judge. The applicant failed to surrender for removal or depart from the United States and is therefore inadmissible pursuant to section 212(a)(9)(A)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(A)(ii). 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) in order to remain in the United States and reside with his siblings.

The Director determined that the unfavorable factors in the applicant's case outweighed the favorable factors, and denied the application accordingly. *See Director's Decision* dated September 23, 2004. A previously submitted Form I-212 was denied on April 2, 2003, by the Director, Vermont Service Center, and a subsequently appeal was dismissed by the AAO on March 18, 2004.

The AAO notes that the record of proceedings does not contain a Notice of Entry of Appearance as Attorney or Representative (Form G-28) from the attorney submitting the Notice of Appeal to the AAO (Form I-290B). Therefore, the AAO will not be sending a copy of the decision to the attorney mentioned on the Form I-290B, but this office will accept the submitted documentation.

On appeal, counsel submits affidavits from the applicant and the applicant's family members, and copies of documentation regarding country conditions in Colombia. In his statement, the applicant states that if he has to return to Colombia he will be alone, as all his family reside in the United States, and he would be unable to find employment. In addition, the applicant states that he has a petition for alien relative filed by his sister. Finally, the applicant requests that he be given the opportunity to continue living in the United States for humanitarian reasons. In the affidavit submitted by the applicant's family members, they request that the applicant be permitted to remain in the United States because if he were returned to Colombia, he would be alone in an unsafe country.

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....

The issues in this matter were thoroughly discussed by the Director and the AAO in their prior decisions. 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.