

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



U.S. Citizenship  
and Immigration  
Services

H4

[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date: JUL 07 2005

IN RE:

Applicant:

[REDACTED]

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:

[REDACTED]

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 attempted to procure admission into the United States on February 15, 1999, at the Otay Mesa Port of Entry by concealing himself in the trunk of a vehicle. The applicant was found inadmissible under section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182 (a)(7)(A)(i)(I) for being an immigrant not in possession of a valid immigrant visa or other valid entry document. Consequently, on the same day he was expeditiously removed from the United States pursuant to section 235(b)(1) of the Act 8 U.S.C. § 1225(b)(1). On February 21, 1999, at the San Ysidro California Port of Entry the applicant attempted to procure admission into the United States by fraud and willful misrepresentation of a material fact. The applicant presented a Border Crossing Card (Form I-586) that did not belong to him. He was found inadmissible pursuant to section 212(a)(6)(C)(i) of the Act, 8 U.S.C. § 1182 (a)(6)(C)(i) for having attempted to procure admission into the United States by fraud. The applicant was served with a Notice to Appear for a removal hearing before an Immigration Judge. On May 14, 1999, the applicant failed to appear for a removal hearing and he was subsequently ordered removed in absentia by an Immigration Judge. The record reflects that the applicant reentered the United States on an unknown date, but prior to August 16, 2003, the date he married his Lawful Permanent Resident (LPR) spouse, without a lawful admission or parole and without permission to reapply for admission in violation of section 276 the Act, 8 U.S.C. § 1326 (a felony). The applicant is inadmissible under section 212(a)(9)(A)(i) of the Act, 8 U.S.C. § 1182(a)(9)(A)(i). 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 LPR spouse and U.S. citizen child.

The Director determined that section 241(a)(5) of the Act, 8 U.S.C. 1231(a)(5) applied in this matter and the applicant is not eligible and may not apply for any relief. The Director then denied the Application for Permission to Reapply for Admission After Deportation or Removal (Form I-212) accordingly. *See Director Decision* dated November 1, 2004.

On appeal, counsel states: "Applicant respectfully requests that U.S. Department of Justice exercises its discretion and grant applicant permission to reapply for admission into the United States after deportation removal on humanitarian grounds."

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 counsel 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.