



U.S. Citizenship
and Immigration
Services

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

JUL 12 2005

IN RE:

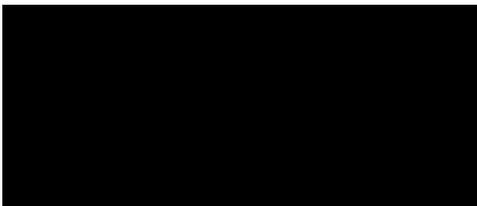
Applicant:



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:



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 is summarily dismissed.

The applicant is a native and citizen of El Salvador who entered the United States without a lawful admission or parole in July 1992. On December 12, 1997, in the Superior Court of the State of California in and for the County of Orange, the applicant was convicted of the crime of first-degree burglary in violation of the California Penal Code Section 459. The applicant was sentenced to eight years of imprisonment. On March 23, 2001, the applicant was removed from the United States. The applicant is inadmissible pursuant to sections 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(2)(A)(i)(I), for having been convicted of a crime involving moral turpitude and 237(a)(2)(A)(iii) of the Act, 8 U.S.C. § 1227(a)(2)(A)(iii), for having been convicted of an aggravated felony. The applicant is the beneficiary of an approved petition for Alien Relative (Form I-130) filed by his U.S. citizen mother. He is inadmissible pursuant to section 212(a)(9)(A)(ii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(ii). The applicant 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 U.S. citizen mother and siblings.

The Director determined that the unfavorable factors in the applicant's case outweighed the favorable factors, and denied the applicant's Application for Permission to Reapply for Admission After Removal (Form I-212) accordingly. *See Director's Decision* dated September 30, 2004.

On appeal the applicant's mother states that she needs an extension to file an appeal on behalf of the applicant. In addition she states that she needs time to gather information to prove that her son is truly ashamed of what he did, that he is a changed man and he is suffering greatly in his national town where he has very little work and source of income. The applicant's mother requested 180 days to submit a brief and/or evidence to the AAO. The appeal was filed on November 2, 2004, and to this date more than six months later no additional documentation has been provided to 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 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.