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

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H4

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: MAY 27 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: 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 a citizen of Mexico who entered the United States without a lawful admission or parole in July 1988, and on January 3, 1994, she applied for asylum. On April 15, 1994, the applicant was interviewed for asylum status by the Immigration and Naturalization Service (now Citizenship and Immigration Services, (CIS)) and was subsequently referred to an Immigration Judge for a court hearing. The record further reflects that on December 8, 1995, the Immigration Judge granted the applicant voluntary departure until December 8, 1996, in lieu of deportation. The applicant failed to surrender for removal or depart from the United States. The applicant's failure to depart on or prior to December 8, 1996, changed the voluntary departure order to an order of deportation. On December 12, 1996, the District Director, Phoenix, Arizona issued a Warrant of Deportation (Form I-205). On December 13, 1996, the applicant was removed from the United States at Nogales, Arizona. The record reflects that the applicant reentered the United States on an unknown date but prior to November 22, 2000, the date she gave birth to a child, 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). The applicant is the beneficiary of an approved Petition for Alien Relative (Form I-130) filed by her U.S. citizen spouse. The applicant is inadmissible under section 212(a)(9)(A)(ii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(ii). She 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 her U.S. citizen spouse and children.

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 October 6, 2004.

On appeal the applicant states: "I am appealing your decision for the reason; My husband is a U.S. citizen and my 4 children are citizens of the U.S. whom are residing with my husband."

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.