



U.S. Citizenship
and Immigration
Services

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FILE:  Office: CALIFORNIA SERVICE CENTER Date: NOV 14 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, 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 entered the United States without a lawful admission or parole in January 1978. On January 11, 1983, an Immigration Judge granted the applicant voluntary departure until February 11, 1983, 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 February 11, 1983, changed the voluntary departure order to an order of deportation and the applicant was deported on July 2, 1983. The record reflects that the applicant reentered illegally in July 1983, and was ordered deported by an Immigration Judge on January 13, 1987. On December 16, 1996, the applicant failed to appear for a removal hearing and he was subsequently ordered deported in absentia by an Immigration Judge pursuant to section 241(a)(1)(B) of the Immigration and Nationality Act (the Act) for having entered the United States without inspection. Subsequently on October 3, 1997, the applicant was removed from the United States. The applicant is the beneficiary of an approved Petition for Alien Relative (Form I-130). He is inadmissible to the United States under 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 reside in the United States with his U.S. citizen spouse and children.

The Director determined that the applicant was inadmissible to the United States pursuant to section 212(a)(9)(B) of the Act, 8 U.S.C. § 1182(a)(9)(B), for having been unlawfully present in the United States for a period of one year or more. In addition, 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 for any relief or benefit from the Act. The Director denied the Form I-212 accordingly. *See Director's Decision* dated November 1, 2004.

On appeal, the applicant's spouse submits a statement in which she requests that the applicant be given another chance. The applicant's spouse states that the applicant needs her and her family needs him. She furthers states that the applicant is not a bad man, has gone through a lot and he deserves another chance. Finally the applicant's spouse requests that the decision be reconsidered and give the family the chance to be united.

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.