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U.S. Citizenship
and Immigration
Services

H4

FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **NOV 15 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 on June 5, 2002, at the Calexico, California port of entry attempted to smuggle 40 kilos of marijuana into the United States. On December 16, 2002, in the United States District Court, Southern District of California, the applicant was convicted of the offense of importation of a controlled substance, to wit: marijuana. On December 20, 2002, an Immigration Judge ordered the applicant removed from the United States and on the same date the applicant was removed pursuant to section 212(a)(2)(C) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182 (a)(2)(C) for being an illicit trafficker of a controlled substance. The applicant 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 travel to the United States and reside with his family.

The Director determined that the applicant is not eligible for any exception or waiver under the Act and denied the Form I-212 accordingly. *See Director's Decision* dated September 30, 2004.

On appeal, the applicant submits a statement in which he requests to be given a new opportunity in order to live and work in the United States so he can provide a better quality of life for his wife and daughters. The applicant further states that he had a very unpleasant experience with the felony he committed and that he is a better person, responsible, with better goals in life.

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.