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NOV 28 2005

FILE:



Office: CALIFORNIA SERVICE CENTER

Date:

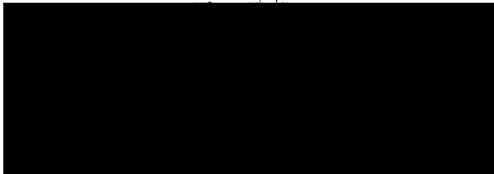
IN RE:

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 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 a citizen of Mexico who entered the United States on or about November 19, 1996, without a lawful admission or parole. On November 20, 1996, the Immigration and Naturalization Service (now Citizenship and Immigration Services (CIS)) apprehended the applicant and an Order to Show Cause (OSC) for a hearing before an Immigration Judge was issued. On May 21, 1997, an Immigration Judge granted the applicant voluntary departure until November 21, 1997, 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 November 21, 1997, changed the voluntary departure order to an order of deportation, and on January 4, 1998 a Warrant of Removal/Deportation (Form I-205) was issued. Subsequently, on July 22, 2003, the applicant was removed to Mexico. He is inadmissible 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 United States and reside with his siblings.

The District Director determined that the unfavorable factors in the applicant's case outweighed the favorable factors and denied the Form I-212 accordingly. *See District Director's Decision* dated November 3, 2004.

On appeal, counsel states that the reason for the appeal is to clarify and correct the record, supplement the Form I-212 with relevant favoring factors and that the Form I-212 should have been approved because the favorable factors outweigh the unfavorable factors. Counsel states that she will be submitting a brief and/or evidence to the AAO within 30 days from the date of the appeal. On October 10, 2005, the AAO forwarded a fax to counsel informing her that this office had not received a brief or evidence related to this matter and unless counsel responded within five business days the appeal may be summary dismissed. Counsel has not responded to the AAO's fax of October 10, 2005. The appeal was file on December 6, 2004, and to this date more than 11 months later, no documentation has been received by 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.