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U.S. Citizenship
and Immigration
Services

H14



FILE:



Office: CALIFORNIA SERVICE CENTER

Date: OCT 20 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 November 8, 1995, at the Calexico, California port of entry attempted to smuggle 38.25 lbs of marijuana into the United States. On February 17, 1998, in the Superior Court in the County of Imperial, California, the applicant was convicted of the offense of sell and furnish of controlled substance, to wit: marijuana. The record of proceedings reveals that the applicant has a long criminal history, including arrests for drunk driving, possession of marijuana, kidnapping, reckless driving, cashing forged checks, being under the influence of drugs, theft of liquor and giving false ID to a policeman. In addition the applicant has been removed from the United States at least three times, on June 12, 1996, December 16, 2002 and January 4, 2003. On January 4, 2003, the applicant was found inadmissible to the United States pursuant to section 212(a)(6)(C)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(ii), as an alien who falsely represents himself to be a citizen of the United States for any purpose or benefit under the Act. In addition the applicant is inadmissible to the United States because he falls within the purview of section 212(a)(2)(C) of the Act, 8 U.S.C. § 1182 (a)(2)(C) for being an illicit trafficker of a controlled substance and section 212(a)(2)(A)(i)(II) of the Act, 8 U.S.C. § 1182(a)(2)(A)(i)(II), for having committed an act in violation of law or regulation relating to 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 spouse and children.

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 November 2, 2004.

On appeal the applicant submits a statement in which he states that he is very sorry for his past and requests forgiveness. The applicant further states that he is not comfortable living in Mexico and wants to return to Calexico, California where he has lived all his life. Finally the applicant states that he wants to support his family, educate his children and take charge of his home.

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.