

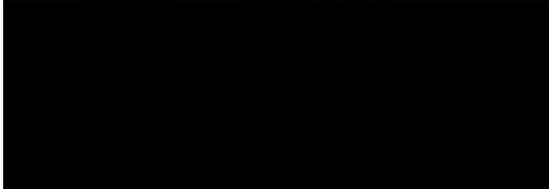
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U.S. Citizenship  
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Services

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invasion of personal privacy**



FILE:



Office: VERMONT SERVICE CENTER

Date: APR 07 2006

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, Vermont 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 the Dominican Republic who was admitted into the United States as a Lawful Permanent Resident (LPR) on February 3, 1980. On September 30, 1976, in the Supreme Court of the State of New York, County of Bronx, was convicted of the offense of criminal sale of a controlled substance in the 5<sup>th</sup> degree, to wit: heroin. The applicant was sentenced to one year of imprisonment. In addition, on September 1, 1989, the applicant was convicted again in the Supreme Court of the State of New York, County of Bronx, of the offense of criminal sale of a controlled substance in the 3<sup>rd</sup> degree and he was sentenced to one year of imprisonment. The applicant was placed in deportation proceedings and on August 30, 1990, an immigration judge ordered the applicant deported pursuant to section 241(a)(11) of the Immigration and Nationality Act (the Act), for having been convicted of a violation of any law or regulation relating to a controlled substance, and section 241(a)(4)(B) of the Act, for having been convicted of an aggravated felony at any time after entry. Consequently, on September 20, 1990, the applicant was deported from the United States. The applicant is inadmissible pursuant to section 212(a)(9)(A)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(A)(ii). He 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 U.S. citizen mother and children.

The Director determined that the applicant is inadmissible to the United States pursuant to section 212(a)(2)(A)(i)(II) of the Act, 8 U.S.C. § 1182(a)(2)(A)(i)(II), for having been convicted of a violation of any law or regulation relating to a controlled substance, and section 212(a)(2)(C), 8 U.S.C. § 1182(a)(2)(C) for having reasonable grounds to believe that he was involved in the illicit trafficking of a controlled substance. The Director concluded 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 August 11, 2003. A previously submitted Form I-212 was denied on March 13, 1995, by the Director, Vermont Service Center, and a subsequent appeal was dismissed by the AAO on October 13, 1995.

On appeal, filed by the applicant's mother, she states that she is sure of the applicant's innocence. The applicant's mother states that the mere fact that the applicant has not tried to reenter the United States proves that he is not a drug dealer. In addition, she states that at the time of his problems with the law he was experiencing difficulties with his family. Furthermore, the applicant's mother states that she hopes that the application will be granted and the applicant can enter the United States to be with her before her death.

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....

The issues in this matter were thoroughly discussed by the Director and the AAO in their prior decisions. 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.