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U.S. Department of Homeland Security  
20 Massachusetts Avenue NW, Rm. 3000  
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U.S. Citizenship  
and Immigration  
Services

714

PUBLIC COPY



FILE:

Office: SAN ANTONIO

Date: AUG 07 2006

IN RE:



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, Chief  
Administrative Appeals Office

**DISCUSSION:** The District Director, San Antonio, Texas, denied the Application for Permission to Reapply for Admission into the United States after Deportation or Removal (Form I-212) and it is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native and citizen of Mexico who was found to be inadmissible to the United States pursuant to sections 212(a)(6)(C)(i) and 212(a)(9)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1182(a)(6)(C)(i) and 1182(a)(9)(A), for attempting to procure a visa by fraud or willful misrepresentation and for seeking admission after removal from the United States. *See District Director's Decision*, dated December 3, 2004.

The district director concluded that, because the applicant was not applying for an immigrant visa, she did not qualify for a waiver of the section 212(a)(6)(C)(i) grounds of inadmissibility. *See District Director's Decision*, dated December 3, 2004. The district director found that, since the applicant is mandatorily inadmissible to the United States under another section of the Act, no purpose would be served in granting the application and denied the Form I-212 accordingly.

8 C.F.R. § 103.3(a)(v) 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 record reflects that, on January 3, 2005, the applicant filed a Notice of Appeal to the Administrative Appeals Office (Form I-290B). On appeal, the applicant contends that the people whom she paid to prepare the visa application appeared to be refined and intelligent and that, while she might have had a hunch that there were issues, she accepted the documents and was denied the visa, and that her other family members do not want to leave her behind in Mexico when they visit the United States for tourist purposes. The Form I-290B indicated that the applicant would be submitting a separate brief or evidence on appeal. However, the applicant failed to provide an additional brief or evidence. The applicant failed to identify either on the Form I-290B or through submission of a brief or evidence any erroneous conclusion of law or statement of fact made by the district director. The applicant's notice of appeal will therefore be dismissed pursuant to 8 C.F.R. § 103.3(a)(v).

**ORDER:** The appeal is dismissed and the district director's decision is affirmed.