



U.S. Citizenship
and Immigration
Services

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FILE:



Office: NEBRASKA SERVICE CENTER

Date: JUN 14 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:



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, Chief
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 Acting Director, Nebraska 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 India who was admitted into the United States as a non-immigrant visitor for pleasure on November 14, 1980. On June 13, 1989, the applicant was issued an immigrant visa as an unmarried son of a Lawful Permanent Resident (LPR), based on an approved Petition for Alien Relative (Form I-130) filed by his LPR mother. On October 3, 1989, the applicant entered the United States and was granted LPR status. The record reflects that the applicant was married on August 19, 1989, and, therefore, he was not entitled to use a visa classification for an unmarried son of an LPR on the date he was admitted into the United States. On April 27, 1993, an Order to Show Cause (OSC) for a hearing before an immigration judge was issued. On September 10, 1993, an immigration judge found the applicant deportable pursuant to section 241(a)(1)(A) of the Immigration and Nationality Act (the Act), as an alien excludable at time of entry. The immigration judge granted the applicant voluntary departure until December 10, 1993, in lieu of deportation. The applicant filed an appeal with the Board of Immigration Appeals (BIA), which was dismissed on April 28, 1994, and he was permitted to depart from the United States voluntarily within 30 days of the date of the BIA's order. On May 14, 1997, the BIA denied a Motion to Reopen (MTR). Consequently, the applicant was apprehended, and on June 9, 1997, he was deported to India. The applicant is the beneficiary of an approved Form I-130 filed by his U.S. citizen brother. The applicant is inadmissible pursuant to section 212(a)(9)(A)(ii) of 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 and reside in the United States.

The Acting Director determined that the unfavorable factors in the applicant's case outweighed the favorable factors, and denied the application accordingly. *See Acting Director's Decision* dated March 30, 2005. The Director, Vermont Service Center, denied two previously submitted Forms I-212 on May 18, 1999, and February 23, 1998.

On appeal, counsel states that the balancing of all factors in this case should result in granting the Form I-212. In addition, counsel states that he will be submitting a brief and/or evidence to the AAO within 30 days from the date of the appeal. The appeal was filed on May 2, 2005. On May 16, 2006, the AAO contacted counsel in order to obtain a fax number and informed him that this office had not received a brief or evidence related to this matter. Counsel stated that he would not be submitting any information.

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 record of proceedings contains documentation submitted by counsel when the Form I-212 was filed. The issues in this matter were thoroughly discussed by the Acting Director and the Director 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.