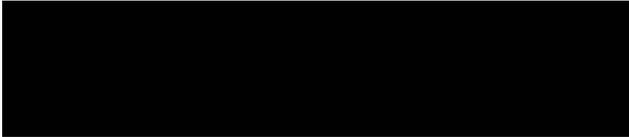


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U.S. Citizenship
and Immigration
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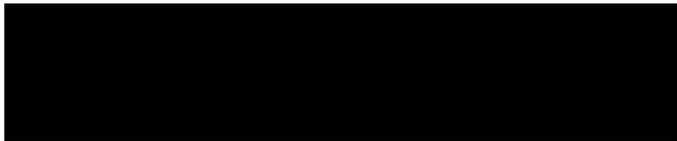
H4

FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: MAY 19 2006

IN RE: Applicant: [REDACTED]

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 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 entered the United States without a lawful admission or parole in January 1988. On June 2, 1989, the Immigration and Naturalization Service (now Citizenship and Immigration Services (CIS)) apprehended the applicant and on June 5, 1989, an Order to Show Cause (OSC) for a hearing before an immigration judge was issued. On May 31, 1990, an immigration judge found the applicant deportable pursuant to section 241(a)(2) of the Immigration and Nationality Act (the Act), for having entered the United States without inspection, and granted her voluntary departure until December 1, 1990, 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 December 1, 1990, changed the voluntary departure order to an order of deportation. On February 27, 1992, a Warrant of Deportation (Form I-205) was issued. The record reflects that the applicant filed two Applications for Family Unity Benefits (Form I-817). Her applications were approved and the applicant was granted voluntary departure under the Family Unity Program until June 9, 2000. The record further reflects that several Authorizations for Parole of an Alien into the United States (Form I-512) were issued to the applicant. The applicant departed the United States on an unknown date, after the issuance of the first Form I-512, and was paroled into the United States on May 13, 1999. By departing the United States the applicant self deported. The applicant is the beneficiary of an approved Petition for Alien Relative (Form I-130) filed by her Lawful Permanent Resident (LPR) spouse. The applicant is inadmissible pursuant to section 212(a)(9)(A)(ii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(ii). She 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 remain in the United States and reside with her LPR spouse.

The Director determined that the unfavorable factors in the applicant's case outweighed the favorable factors and denied the Form I-212 accordingly. See *Director's Decision* dated March 4, 2005.

On the Notice of Appeal to the AAO (Form I-290B) counsel writes: "I-601 petition previously submitted demonstrated sufficient hardship to be approved." In addition, counsel submits the same documentation that was presented when the Form I-212 was first filed.

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, counsel 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.