U.S. Department of Homeland Security
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Washington, DC 20529

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U.S. Citizenship and Immigration Services

PUBLIC COPY

[redacted]

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FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: OCT 25 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: 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, 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 was granted lawful permanent resident status on December 1, 1990. On October 20, 1993, in the Superior Court in the State of Arizona, in and for the County of Mohave, the applicant was convicted of the offense of attempted transportation of more than eight pounds of marijuana for sale. On December 2, 1993, an Order to Show Cause (OSC) for a deportation hearing before an immigration judge was served on him. On March 1, 1994, an immigration judge ordered the applicant deported from the United States pursuant to section 241(a)(2)(A)(iii)[1] of the Immigration and Nationality Act (the Act), for having been convicted of an aggravated felony at any time after admission, and section 241(a)(2)(B)(i)[2] of the Act, for having been convicted of a violation of any law or regulation relating to a controlled substance. Consequently, on March 12, 1994, the applicant was deported from the United States. The applicant is inadmissible to the United States pursuant to section 212(a)(9)(A)(ii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(ii). He now 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 spouse 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. In addition, the Director determined that the unfavorable factors in the applicant's case outweighed the favorable ones. The Director then denied the Form I-212 accordingly. *See Director's Decision* dated November 3, 2004.

The AAO notes that the record contains a Notice of Entry of Appearance as Attorney or Representative (Form G-28) submitted by a person who is not an individual described in the regulation at 8 C.F.R. § 292.1(a). Therefore, the AAO will not be sending a copy of the decision to the individual mentioned on the Form G-28.

On the Notice of Appeal to the AAO (Form I-290B) the applicant states that he is filing the appeal "to reconsider the decision dated on November 3, 2004."

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....

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[1] Now section 237(a)(2)(A)(iii) of the Act.

[2] Now section 237(a)(2)(A)(iii) of the Act.

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.