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U.S. Citizenship  
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FILE:

Office: VERMONT SERVICE CENTER

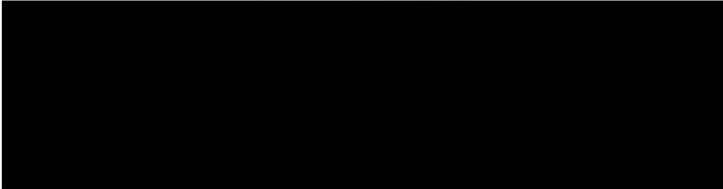
Date: **SEP 08 2006**

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:



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 cursive script, appearing to read "James A. Wiemann" with "for" written below it.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The Director, Vermont Service Center, denied the application for permission to reapply for admission and it is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that, on April 14, 2005, the director found that the applicant was previously removed from the United States and was therefore required to apply for permission to reapply for admission under section 212(a)(9)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(A)(iii). The director found that the unfavorable factors in the applicant's case outweighed the favorable factors and denied the Application for Permission to Reapply for Admission into the United States after Deportation or Removal (Form I-212) accordingly. *Decision of the Director*, dated April 14, 2005.

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 May 13, 2005, the applicant's representative filed a Notice of Appeal to the Administrative Appeals Office (Form I-290B). On appeal, the applicant's representative simply asserts, "Will provide a detail (sic) answer to all the points mentioned in the April 14, 2005, decision letter, and provide documentation from El Salvador that Coralia never participated with the military." The Form I-290B indicated that the applicant's representative would be submitting a separate brief or evidence within 30 days.

On May 31, 2005, the applicant's representative submitted a letter, requesting oral argument, stating he could better provide answers to all the points of the decision by making an oral argument, at which time he would present the arguments in writing. The applicant's representative failed to provide any further arguments or evidence. The regulation at 8 C.F.R. § 103.3(b) provides that the affected party must explain in writing why oral argument is necessary. Citizenship and Immigration Services (CIS) has the sole authority to grant or deny a request for oral argument and will grant such argument only in cases that involve unique factors or issues of law that cannot be adequately addressed in writing. In this case, no cause for oral argument is shown. Consequently, the request is denied.

The applicant's representative 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 director. The applicant's appeal will therefore be summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(v).

**ORDER:** The appeal is dismissed.