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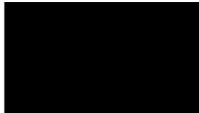
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FILE:



Office: CALIFORNIA SERVICE CENTER Date:
[consolidated therein]

IN RE:

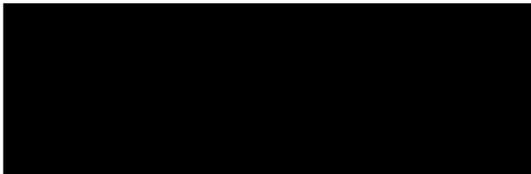
Applicant:



APPLICATION:

Application for Permission to Reapply for Admission into the United States after
Deportation or Removal under Section 212(a)(9)(A) of the Immigration and
Nationality Act, 8 U.S.C. § 1182(a)(9)(A).

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 after removal was denied by the Director, California Service Center. A subsequent appeal was summarily dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen and reconsider. The motion will be dismissed and the previous decision of the Director will be affirmed. The waiver application is denied.

The applicant is a native and citizen of Mexico who attempted to enter the United States on March 17, 1998, by presenting an Alien Registration Card (Form I-551) in someone else's name. On the same day, the applicant was removed from the United States. On March 20, 1998, the applicant attempted to enter the United States by concealing herself in the trunk of an automobile. On March 21, 1998, the applicant was removed from the United States. On an unknown date between March 21, 1998 and November 13, 1999, the applicant reentered the United States without inspection. The applicant is inadmissible to the United States under section 212(a)(9)(A)(ii)(I) of the Immigration and Nationality Act (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 reside with her naturalized United States citizen husband and United States citizen daughter.

The Director determined that the applicant was inadmissible pursuant to section 212(a)(9)(C)(i) of the Act, 8 U.S.C. § 1182(a)(9)(C)(i), for having reentered the United States after her immigration violation and that the unfavorable factors in the applicant's case outweighed the favorable factors. The Director denied the applicant's Application for Permission to Reapply for Admission After Deportation or Removal (Form I-212) accordingly. *Director's Decision*, dated January 18, 2005. On April 6, 2006, the AAO summarily dismissed the appeal because counsel failed to identify any erroneous conclusion of law or statement of fact for the appeal. *Decision of the AAO*, dated April 6, 2006.

8 C.F.R. § 103.5(a) states in pertinent part:

(a) Motions to reopen or reconsider

.....
(2) Requirements for motion to reopen. A motion to reopen must state the new facts to be proved in the reopened proceeding and be supported by affidavits or other documentary evidence.

.....
(3) Requirements for motion to reconsider. A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or Service policy. A motion to reconsider a decision on an application or petition must, when filed, also establish that the decision was incorrect based on the evidence of record at the time of the initial decision.

(4) Processing motions in proceedings before the Service. A motion that does not meet applicable requirements shall be dismissed

.....

In the present motion to reopen and reconsider, the applicant, through counsel, asserts that the applicant's family would suffer extreme hardship if the applicant were removed from the United States. *Brief in Support*, page 3, filed May 5, 2006. Counsel contends that if the applicant "had been given the opportunity to be in front of an immigration judge," before she was removed from the United States, she could have established "her ties to the United States." *Id.* at 2. The AAO stated in the previous decision that, "counsel has failed to identify any erroneous conclusion of law or statement of fact for the appeal and therefore it will be summarily dismissed." *Decision of the AAO, supra*. Counsel failed to identify any legal errors in the prior AAO decision, and aside from counsel's assertion that the applicant should have had an opportunity to present her case before an immigration judge, no new information or evidence was submitted in the motion to reopen and reconsider. Additionally, counsel failed to provide any affidavits, other documentary evidence, or any pertinent precedent decisions, in support of the motion to reopen and reconsider. Counsel has not established that the AAO decision of April 6, 2006 was in error.

Because counsel failed to identify any erroneous conclusion of law or statement of fact in his brief, the motion will be dismissed.

ORDER: The motion is dismissed and the previous decisions of the Director and the AAO are affirmed. The waiver application is denied.