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



U.S. Citizenship
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Services

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FILE:

Office: PHOENIX, AZ

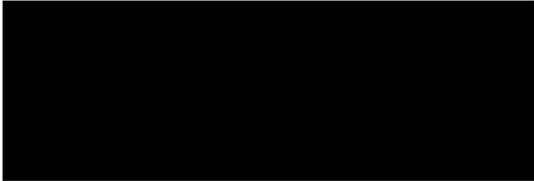
Date: **JUL 30 2008**

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for permission to reapply for admission after removal was denied by the District Director, Phoenix, Arizona, 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 found to be inadmissible to the United States pursuant to section 212(a)(9)(A)(ii)(I) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(A)(ii)(I). The applicant seeks permission to reapply for admission pursuant to section 212(a)(9)(A)(iii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(iii).

The district director concluded that the applicant had failed to establish that his unfavorable factors outweighed his favorable factors and the application was denied accordingly. *Decision of the District Director*, served July 19, 2005.

The appeal consists only of the Form I-290B with counsel stating, [REDACTED] the petitioner, is undergoing psychological and other examinations.” *Form I-290B*, dated August 15, 2005. The Form I-290B indicates that a brief and/or evidence will be sent within 90 days. However, the AAO has not received this material. The record indicates that counsel was notified on June 26, 2008 to submit the material that was to be sent within 90 days, but a brief and/or evidence was not submitted. The appeal does not dispute or otherwise address the grounds upon which the applicant’s application was denied.

8 C.F.R. § 103.3(a)(v) states in pertinent part that:

- (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 AAO finds that the applicant’s appeal fails to identify any erroneous conclusion of law or statement of fact in the district director’s decision. The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.