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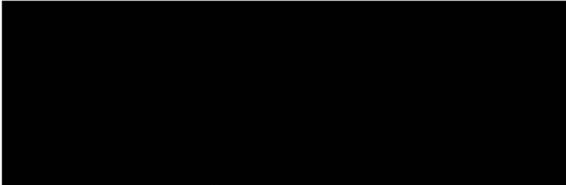
U.S. Department of Homeland Security
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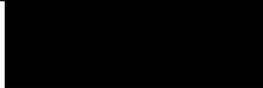
U.S. Citizenship
and Immigration
Services

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FILE:



Office: VERMONT SERVICE CENTER

Date: JUN 02 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: 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 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 May 24, 2005, the director found that the applicant was inadmissible to the United States pursuant to section 212(a)(9)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(A), for seeking admission after being removed from the United States. The director denied the Application for Permission to Reapply for Admission into the United States after Deportation or Removal (Form I-212) because the applicant did not warrant a favorable exercise of discretion. *Decision of the Director*, dated May 24, 2005. On June 3, 2005, Citizenship and Immigration Services (CIS) received a Notice of Appeal to the Administrative Appeals Office (AAO) (Form I-290B). The director denied the Form I-290B because the applicant's spouse did not have standing to file the Form I-212 on behalf of the applicant. *Decision of the Director*, dated July 3, 2006. On July 31, 2006, the applicant's spouse filed a second Form I-290B. In support of the appeal, the applicant's spouse filed a Form I-212 executed by the applicant.

The AAO finds that the director erred in denying the first Form I-290B. The AAO has sole jurisdiction over an appeal filed in regard to the denial of a Form I-212. *See* 8 C.F.R. §§103.1(f)(3)(iii) and 103.3(a)(1)(iv). The director may only adjudicate a Form I-290B where the appeal meets the requirements for a motion to reopen or a motion to reconsider and the director's decision is in favor of the applicant. *See* 8 C.F.R. § 103.3(a)(1)(iii). Accordingly, the director did not have the authority to deny the first Form I-290B.

The AAO now turns to adjudication of the Form I-290B. The regulations at 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.

Neither of the Forms I-290B, filed on June 3, 2005, and July 31, 2006, identify any erroneous conclusion of law or statement of fact made by the director in his original decision, dated May 24, 2005. Therefore both will be summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(v).

ORDER: The appeal is dismissed.