

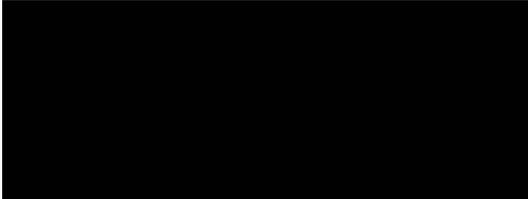
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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: JUN 02 2008

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) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(9)(A)

ON BEHALF OF APPLICANT:  
[REDACTED]

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 black ink, appearing to read "Robert P. Wiemann".

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, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant is a native and citizen of Egypt. On July 2, 1997, the applicant married his first wife, a United States citizen, in Egypt. On October 13, 1997, the applicant's wife filed a Petition for Alien Relative (Form I-130), which was approved on the same day. On November 10, 1997, the applicant entered the United States on a CR-1 immigrant visa. On September 7, 1999, the applicant was arrested for inflicting corporal injury on a spouse. On June 20, 2001, the applicant filed an Application for Naturalization (Form N-400). On July 14, 2002, the applicant was arrested for battery on a spouse/ex-spouse; however, on July 16, 2002, this charge was dismissed and the applicant was convicted of battery and sentenced to thirty-six (36) months probation. On August 30, 2003, the applicant was arrested for driving while intoxicated. On October 8, 2003, the applicant was convicted of driving while intoxicated. On June 17, 2004, the District Director, Santa Ana, California, denied the applicant's Form N-400 for abandonment. On March 5, 2004, the applicant was arrested for stalking and making a terrorist threat. On July 20, 2004, the applicant was convicted of making a terrorist threat and sentenced to 365 in county jail. On August 12, 2004, a Notice to Appear (NTA) was issued against the applicant. On September 2, 2004, an immigration judge ordered the applicant removed from the United States. On October 4, 2004, the applicant married [REDACTED], a United States citizen. On October 7, 2004, a Warrant of Removal/Deportation (Form I-205) was issued. On October 16, 2004, the applicant was removed from the United States. The applicant is inadmissible to the United States under section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(2)(A)(i)(I), and section 212(a)(9)(A) of the Act, 8 U.S.C. § 1182(a)(9)(A). 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 reside with his United States citizen wife.

The Director determined that the applicant is inadmissible pursuant to section 212(a)(2)(A)(i)(I) of the Act, 8 U.S.C. § 1182(a)(2)(A)(i)(I), for being convicted of a crime involving moral turpitude, and section 212(a)(9)(A) of the Act, 8 U.S.C. § 1182(a)(9)(A), for being removed from the United States, and denied the applicant's Application for Permission to Reapply for Admission After Deportation or Removal (Form I-212) accordingly. *Director's Decision*, dated January 31, 2007.

On appeal, the applicant, through counsel, requested 30 days to submit a brief and/or evidence to the AAO. *Form I-290B*, filed February 23, 2007. The record contains no evidence that a brief or additional evidence was filed within 30 days. On May 11, 2008, the AAO sent counsel a facsimile requesting evidence of the brief and/or additional evidence, or a statement by counsel that neither a brief nor evidence was filed; however, the AAO received no reply from counsel. The AAO notes that no other evidence or information was submitted, and the appeal does not dispute or otherwise address the grounds upon which the applicant's Form I-212 was denied.

8 C.F.R. § 103.3(a)(1) 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 director's decision. The appeal is therefore summarily dismissed.

**ORDER:** The appeal is summarily dismissed.