

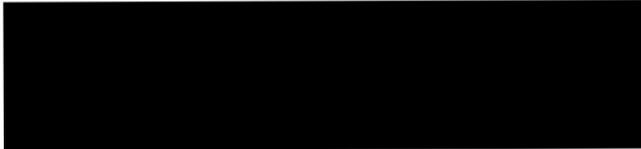
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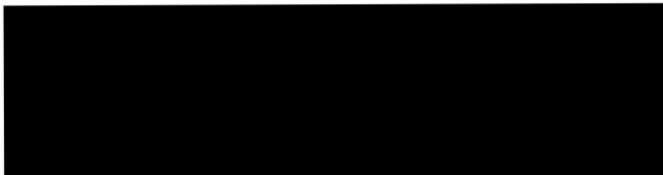


FILE: Office: MANCHESTER, NH Date: **JUN 12 2008**

IN RE: 

APPLICATION: Application for Permission to Reapply for Admission into the United States after Deportation or Removal under Section 212(a)(9)(A) 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 Field Office Director, Manchester, New Hampshire and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant is a native of the Dominican Republic and a citizen of Venezuela who was removed from the United States on November 7, 1999 under the provisions of section 235(b)(1) of the Immigration and Nationality Act (the Act). He reentered the United States that same month without a lawful admission or parole, and without permission to reapply for admission. The applicant's removal order was reinstated, in accordance with section 241(a)(5) of the Act, on November 3, 2005. The applicant is inadmissible under section 212(a)(9)(A)(ii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(ii). 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 in the United States with his U.S. citizen spouse and children.

The field office director determined that the unfavorable factors in the applicant's case outweighed the favorable factors. The field office director denied the applicant's Form I-212, Application for Permission to Reapply for Admission After Deportation or Removal, accordingly. *See Field Office Director's Decision* dated June 14, 2007.

At the time that he filed the Form I-290B, Notice of Appeal or Motion, the applicant did not state what aspect of the field office director's decision he was appealing, but indicated that he would submit a brief and/or evidence in support of the appeal within 30 days. Subsequently, counsel for the applicant twice contacted the AAO to request extensions of time in which to submit additional documentation. The AAO granted both requests, extending the deadline for submission of a brief and/or other evidence until November 11, 2007. As of this date, no additional materials have been submitted in support of the appeal. Accordingly, the record is considered to be complete.

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 applicant did not identify any erroneous conclusion of law or statement of fact in the field office director's decision at the time he filed the Form I-290B. Neither has he subsequently submitted additional evidence that provides a basis for an appeal. The appeal is, therefore, summarily dismissed pursuant to the requirement at 8 C.F.R. § 103.3(a)(v).

ORDER: The appeal is dismissed.