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U.S. Citizenship  
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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: **MAY 13 2008**

IN RE:

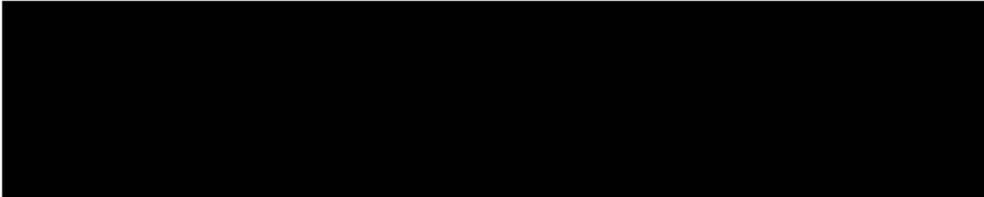
APPLICANT:



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, 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 Mexico. On November 26, 1997, the applicant attempted to enter the United States by presenting a Form I-551 in someone else's name. On November 28, 1997, the applicant was expeditiously removed from the United States. On April 17, 1999, the applicant's son, [REDACTED] was born in California. At some point, the applicant reentered the United States without inspection. On April 6, 2002, the applicant married Ms. [REDACTED] a lawful permanent resident of the United States, in California. On April 15, 2002, the applicant's wife filed a Petition for Alien Relative (Form I-130) on behalf of the applicant. On March 28, 2005, the applicant's Form I-130 was approved. On August 18, 2005, the applicant's wife became a United States citizen. On December 4, 2005, the applicant's son, [REDACTED] was born in California. 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), section 212(a)(6)(C) of the Act, 8 U.S.C. § 1182(a)(6)(C), and section 212(a)(9)(C) of the Act, 8 U.S.C. § 1182(a)(9)(C). 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 spouse and children.

The director determined that the applicant is inadmissible pursuant to section 212(a)(6)(C) of the Act, section 212(a)(9)(A) of the Act, and section 212(a)(9)(C) of the Act; for attempting to enter the United States by misrepresentation, for being ordered removed under 235(b)(1), and for being unlawfully present in the United States after previous immigration violations, respectively. The director determined that the "applicant is currently statutorily ineligible to apply for permission to reapply for admission" based on being present in the United States after a previous immigration violation, and denied the applicant's Application for Permission to Reapply for Admission After Deportation or Removal (Form I-212) accordingly. *Director's Decision*, dated March 13, 2007.

On appeal, the applicant, through counsel requested 30 days to submit a brief and/or evidence to the AAO. *Form I-290B*, filed April 12, 2007. The record contains no evidence that a brief or additional evidence was filed within 30-days. On April 18, 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.