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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529

U.S. Citizenship and Immigration Services

PUBLIC COPY

H4

FEB 25 2005

FILE: [redacted] Office: BANGKOK, THAILAND Date:

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

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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for permission to reapply for admission after removal was denied by the District Director, Bangkok, Thailand 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 Thailand who was admitted into the United States on February 18, 1996, as a non-immigrant visitor by presenting a Thai passport that did not belong to her. On November 22, 1996, the applicant was apprehended by the Immigration and Naturalization Service (now Citizenship and Immigration Services (CIS)) and she was served with a Notice to Appear for a removal hearing. On December 10, 1996 the applicant was ordered removed by an Immigration Judge. The applicant failed to surrender for removal or depart from the United States and on December 6, 2002, she was taken into Service custody and was subsequently removed to Thailand on March 21, 2003. The applicant is inadmissible under section 212(a)(9)(A)(ii) Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(A)(ii). On December 30, 1996, the applicant married a U.S. citizen and she is the beneficiary of an approved Petition for Alien Relative (Form I-130) and an approved petition for a K-3 nonimmigrant visa filed on Form I-129F as the spouse of a U.S. citizen. The applicant 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 travel to the United States to reside with her U.S. citizen spouse and child

The District Director determined that the unfavorable factors in the applicant's case outweighed the favorable factors, and denied the applicant's Application for Permission to Reapply for Admission After Removal (Form I-212) accordingly. *See District Director's Decision* dated July 15, 2004.

On appeal, counsel submits a Notice of Appeal to the Administrative Appeals Unit (Form I-290B) in which he states:

> "Waiver was denied. Respondent is the mother of a U.S. citizen child. She is the wife of a U.S. citizen. She deserved more consideration than was given to her."

The regulation at 8 C.F.R. § 103.3(a)(1) 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....

In the instant case counsel has failed to identify any erroneous conclusion of law or statement of fact for the appeal and therefore it will be summarily dismissed.

ORDER: The appeal is summarily dismissed.