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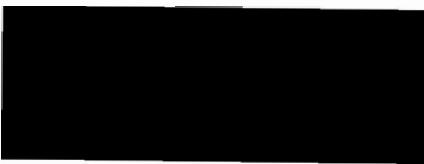
**U.S. Department of Homeland Security**  
20 Mass. Ave., N.W., Rm. A3000  
Washington, DC 20529



**U.S. Citizenship  
and Immigration  
Services**

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*HG*



FILE:



Office: PHOENIX, AZ

Date: **JUN 28 2006**

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.

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

The applicant is a native and a citizen of the Philippines who on June 5, 1992 entered the United States as a visitor by presenting a fraudulent Filipino passport. Then on April 10, 1995, the applicant attempted to enter the United States by presenting another fraudulent Filipino passport. He was then ordered deported and removed from the United States on April 30, 1995. The record reflects that the applicant reentered the United States using another fraudulent document in August 1995, without a lawful admission or parole and without permission to reapply for admission. 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 and reside with his U.S. citizen spouse and children.

The Director determined that the unfavorable factors in the applicant's case outweighed the favorable factors. The Director denied the applicant's Application for Permission to Reapply for Admission After Deportation or Removal (Form I-212) accordingly. *See Director's Decision* dated March 16, 2005.

On appeal counsel asserts that the district director's decision was arbitrary, capricious and unsupported by the facts and law. The appeal also indicates that a brief and/or evidence would be submitted to the AAO within 30 days. *Form I-290B*, April 4, 2005.

The AAO notes that on May 23, 2006 a letter was sent by fax to counsel requesting the brief and/or evidence in the applicant's case be sent to the AAO office by fax within five business days. The AAO received no reply from this request.

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 AAO finds that the applicant's appeal fails to identify any erroneous conclusion of law or statement of fact in the district director's decision. The appeal is therefore summarily dismissed.

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