U.S. Department of Homeland Security
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Washington, DC 20529

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U.S. Citizenship and Immigration Services

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PUBLIC COPY

[redacted]

FILE: [redacted] Office: SAN ANTONIO, TEXAS Date: 2 3 2006

IN RE: Applicant: ANGEL MATA-MONCADA

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, Chief
Administrative Appeals Office

DISCUSSION: The Application for Permission to Reapply for Admission into the United States after Deportation or Removal (Form I-212) was denied by the District Director San Antonio, Texas, 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 Mexico who entered the United States without a lawful admission or parole on or about November 3, 2000. The applicant was apprehended and on January 17, 2001, a Notice to Appear (NTA) for a removal hearing before an immigration judge was served on him. On June 2, 2003, the applicant failed to appear for the removal hearing and he was subsequently ordered removed *in absentia* by an immigration judge pursuant to section 212(a)(6)(A)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182 (a)(6)(A)(i), for having been present in the United States without being admitted or paroled. Consequently, on August 12, 2003, the applicant was removed from the United States. The applicant is the beneficiary of an approved Petition for Alien Relative (Form I-130) filed by his U.S. citizen spouse. He is inadmissible pursuant to section 212(a)(9)(A)(ii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(ii). 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 and reside with his U.S. citizen spouse.

The District Director determined that the documents submitted by the applicant were not translated into English, as required pursuant to 8 C.F.R. 103.2(b)(3). In addition, the District Director determined that the unfavorable factors in the applicant's case outweighed the favorable ones. The District Director then denied the Form I-212 accordingly. *See District Director's Decision* dated May 12, 2005.

On the Notice of Appeal to the AAO (Form I-290B) counsel states: "the decision of the District Director to deny the I-212 waiver is an abuse of discretion and against the weight and preponderance of the evidence." In addition, on the Form I-290B, counsel states that he will be submitting a brief and or written statement to the Service office within 90 days. On November 22, 2005, the San Antonio District Office forwarded a letter to counsel informing him that their office had not received a brief or evidence related to the appeal. Counsel was informed that unless he responded within 60 days it would be assumed that he did not wish to submit any additional material. Counsel has not responded to the San Antonio District Office's letter of November 22, 2005. The appeal was filed on June 14, 2005, and to this date approximately sixteen months later no documentation has been received by the San Antonio District Office or by the AAO.

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.