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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

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FILE:



Office: CALIFORNIA SERVICE CENTER

Date: APR 12 2005

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

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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 Director, California Service Center 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 on August 11, 1987, in the U.S. District Court, District of Arizona was convicted pursuant to title 8 U.S.C. § 1325 for knowingly, willfully and unlawfully entering the United States at a time or place not designated by Immigration Officers. He was sentenced to six months imprisonment and the sentence was suspended. On May 2, 1994, in the Municipal Court of Desert Judicial District County of Riverside, State of California, the applicant was convicted for the offense of willfully and unlawfully possessing marijuana for sale, in violation of section 11359 of the Health and Safety Code of California. On January 5, 1995, the applicant was deported from the United States pursuant to section 241(a)(2)(B)(iii) of the Immigration and Nationality Act (the Act). The applicant is inadmissible to the United States because he falls within the purview of sections 212(a)(2)(A)(i)(II) and 212(a)(9)(A)(ii) of the Act, 8 U.S.C. § 1182(a)(2)(A)(i)(II) and 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 travel to the United States and reside with his U.S. citizen spouse and children.

The Director determined that section 212(a)(2)(a)(i)(II) of the Act applies in this matter and the applicant is not eligible and may not apply for any relief under the Act. Additionally the 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 *Director's Decision* dated October 29, 2003.

On appeal the applicant submits a letter in which he states: "I apologize for the error that I made and I am sorry because now I am separated of my family. Please I ask you to give me an opportunity to be with them. Today I understand that I made a mistake and I am paying the consequences being separated of my family."

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 the applicant 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.