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MAR 02 2005

FILE:



Office: PHOENIX, ARIZONA

Date:

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 Form I-212, Application for Permission to Reapply for Admission into the United States after Deportation or Removal, was denied by the District Director, Phoenix, Arizona, 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 was present in the United States without a lawful admission or parole on or about August 1975. On November 8, 1982, the applicant was served an Order to Show Cause for a hearing before an Immigration Judge. On April 12, 1983, an Immigration Judge granted the applicant voluntary departure in lieu of deportation. The applicant filed an appeal with the Board of Immigration Appeals (BIA), which was dismissed on October 15, 1984, and was permitted to depart from the United States voluntarily within 30 days from the date of the BIA's order. The applicant failed to surrender for removal or depart from the United States and a Warrant of Deportation was issued on January 10, 1986. On February 18, 1986, the applicant was deported from the United States pursuant to section 241(a)(2) of the Immigration and Nationality Act (the Act). The record reflects that the applicant reentered the United States in December 1989 without a lawful admission or parole and without permission to reapply for admission in violation of section 276 of Act, 8 U.S.C. § 1326. The applicant is inadmissible under section 212(a)(9)(A)(ii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(ii). The applicant married a U.S. citizen on March 25, 1995, and she is the beneficiary of an Application for Alien Relative (Form I-130) filed on her behalf. She 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 remain in the United States and reside with her U.S. citizen spouse

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 August 2, 2004.

On appeal the applicant states:

"I've completed all forms needed for this legal matter in compliance w/INS. I hope this is resolved immediately."

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.