

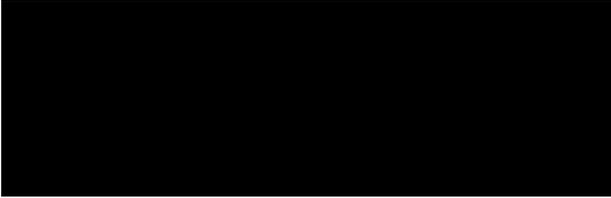
identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

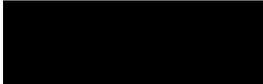


U.S. Citizenship
and Immigration
Services

tlg



FILE:



Office: SAN ANTONIO, TEXAS

Date: APR 07 2006

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
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 a citizen of Mexico who was admitted to the United States as a Lawful Permanent Resident (LPR) on June 18, 1971. On August 24, 1998, in the 175th District Court of Law, San Antonio, Texas, the applicant was convicted of the offense of Driving While Intoxicated ("DWI") 3rd. The applicant was sentenced to three years imprisonment and a \$1,000 fine. On September 22, 1998, a Notice to Appear (NTA) for a removal hearing before an immigration judge was issued. On March 19, 1999, an immigration judge ordered the applicant removed to Mexico pursuant to section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1227(a)(2)(A)(iii), for having been convicted of an aggravated felony at any time after admission. The applicant filed an appeal with the Board of Immigration Appeals (BIA), which was dismissed on October 19, 1999. On October 22, 1999, the District Director, San Antonio, Texas issued a Warrant of Removal/Deportation (Form I-205) and consequently, on November 29, 1999, the applicant was removed from the United States. The applicant is inadmissible pursuant to section 212(a)(9)(A)(ii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(ii). He 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 applicant did not submit English translations with documentation as requested and as required pursuant to 8 C.F.R. 103.2(b)(3), and denied the Form I-212 accordingly. *See District Director's Decision* dated August 18, 2004.

On appeal, filed by the applicant's spouse she states: "We are very sorry that we did not have all the documents translated to English. It was not specified in the instructions and was not marked that we had to. So we are relying on your mercy. Thank you very much. Please reconsider."

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....

The applicant's spouse did not submit English translations of the previously submitted documentation. 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.