

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

H4

PUBLIC COPY

[REDACTED]

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER

Date: APR 07 2006

IN RE:

Applicant:

[REDACTED]

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

2

DISCUSSION: The Application for Permission to Reapply for Admission into the United States after Deportation or Removal (Form I-212) 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 October 25, 1989, was granted Lawful Permanent Resident (LPR) status. On August 31, 1990, in the Criminal District Court #2 of Dallas County, Texas, the applicant was convicted of the offense of unlawful delivery of a controlled substance, to wit: cocaine. On March 10, 1992, an Order to Show Cause (OSC) for a hearing before an immigration judge was issued. On March 19, 1992, an immigration judge ordered the applicant deported from the United States pursuant to section 241(a)(2)(B)(i)¹ of the Immigration and Nationality Act (the Act), for having been convicted of a violation of any law or regulation relating to a controlled substance, and section 241(a)(2)(A)(iii)² of the Act, for having been convicted of an aggravated felony at any time after admission. Consequently, on March 21, 1992, the applicant was removed to Mexico. The record reveals that the applicant reentered the United States on an unknown date, without a lawful admission or parole and without permission to reapply for admission, in violation of section 276 the 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) and 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 his U.S. citizen spouse and child.

The Director determined that the applicant is not eligible for any exceptions or waivers under the Act because he had been convicted of an aggravated felony and a drug related crime and denied the Form I-212 accordingly. See *Director's Decision* dated January 27, 2003.

The applicant submits a Notice of Appeal to the AAO (Form I-290B) with no brief or statement regarding the reason for the appeal.

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.

¹ Now section 237(a)(2)(B)(i) of the Act

² Now section 237(a)(2)(A)(iii) of the Act