



U.S. Citizenship
and Immigration
Services

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FILE:



Office: NEBRASKA SERVICE CENTER

Date: MAR 16

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 into the United States after Deportation or Removal was denied by the Acting Director, Nebraska 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 June 12, 1998 was admitted into the United States as a non-immigrant visitor for pleasure, with an authorized period of stay until December 11, 1998. The applicant remained in the United States beyond his authorized period of stay and on March 16, 1999, the Immigration and Naturalization Service (now Citizenship and Immigration Services (CIS)) apprehended the applicant. On the same day, the applicant was served with a Notice to Appear (NTA) for a removal hearing before an immigration judge. On March 25, 1999, an immigration judge found the applicant removable pursuant to section 237(a)(1)(B) of the Immigration and Nationality Act (the Act), for having remained in the United States longer than permitted, and section 237(a)(1)(C)(i) of the Act for failing to maintain the nonimmigrant status under which he was admitted. Consequently, on March 30, 1999, the applicant was removed from the United States. The record reflects that the applicant reentered the United States on April 13, 1999, 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 (a felony). On the same date a Notice of Intent/Decision to Reinstate Prior Order (Form I-871) was issued pursuant to section 241(a)(5) of the Act, 8 U.S.C. § 1231(a)(5), and the applicant was removed to Mexico. The applicant is inadmissible under section 212(a)(9)(A)(ii) of the Act, 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.

The Acting Director determined that an application for consent to reapply could only be filed after the applicant has been outside the United States for at least 20 years and denied the Form I-212 accordingly. *See Acting Director's Decision* dated October 13, 2004.

On appeal, the applicant states: "I [REDACTED] want to apologize for crossing into the United States illegally. My only reason was to seek a job to support my family. During that time I felt desperate because I lost my job that I had for the past ten years. My wife was almost due to give bit to my first child, and I didn't have the resources to support her during those times. This is the reason why I made that big mistake that today I regret. I apologize and hope that you can give me the opportunity to redo this in the legal way. I hope that you reconsider my case and again I apologize."

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.