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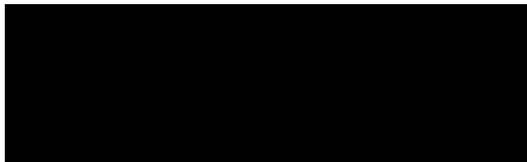
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: NEBRASKA SERVICE CENTER Date **AUG 07 2008**

IN RE: [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.

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

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the Application for Permission to Reapply for Admission into the United States after Deportation or Removal (Form I-212) and it is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that, on April 23, 2007, the district director denied the Form I-212 filed by the applicant to seek an exception from the ground of inadmissibility in section 212(a)(9)(A)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(A)(ii).

The director based the denial on his determination that he did not have jurisdiction over the Form I-212 because the applicant needed to file the Form I-212 with the U.S. consulate with jurisdiction over his foreign residence or the Citizenship and Immigration Services' (CIS) office with jurisdiction the location where his removal proceedings were held. *See Director's Decision* dated April 23, 2007.

As required by 8 C.F.R. § 212.2(d), an applicant that requires a waiver and permission to reapply for admission must simultaneously file an Application for Waiver of Grounds of Inadmissibility (Form I-601) with Form I-212. Additionally, an applicant who resides outside the United States must simultaneously file the Form I-601 and Form I-212 with the U.S. Consulate abroad¹.

8 C.F.R. § 103.3(a)(v) 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 record reflects that, on May 22, 2007, the applicant filed a Notice of Appeal to the Administrative Appeals Office (Form I-290B). On appeal, the applicant contends that his application should be reconsidered, but fails to address the issue of whether the service center director has jurisdiction over the application. As the applicant failed to identify either on the Form I-290B or through submission of a brief or evidence any erroneous conclusion of law or statement of fact made by the director. The applicant's notice of appeal will therefore be summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(v).

ORDER: The appeal is dismissed.

¹ The record reflects that the applicant is a native and citizen of Mexico who, on February 22, 2005, was ordered removed from the United States pursuant to sections 237(a)(2)(B)(i) and 237(a)(2)(E)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1227(a)(2)(B)(i) and 1227(a)(2)(E)(i), for being a lawful permanent resident removable for having been convicted of a violation of any law or regulation related to a controlled substance, other than a single offense involving possession of 30 grams or less of marijuana, and convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment, after admission to the United States. The applicant's lawful permanent resident status was terminated upon the final order of removal. *See 8 C.F.R. § 1.1(p)*. The applicant's convictions are crimes involving moral turpitude and a controlled substance violation, which render him inadmissible pursuant to sections 212(a)(2)(A)(i)(I) and 212(a)(2)(A)(i)(II) of the Act, 8 U.S.C. §§ 1182(a)(2)(A)(i)(I) and 1182(a)(2)(A)(i)(II). These grounds of inadmissibility may be waived pursuant to section 212(h) of the Act, 8 U.S.C. § 1182(h). In order to seek a waiver of inadmissibility the applicant must file a Form I-601, along with the Form I-212 at the U.S. Consulate with jurisdiction over his place of residence.