

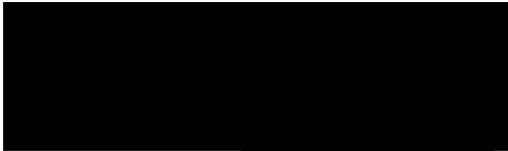
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U.S. Department of Homeland Security  
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U.S. Citizenship  
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FILE:

Office: VERMONT SERVICE CENTER

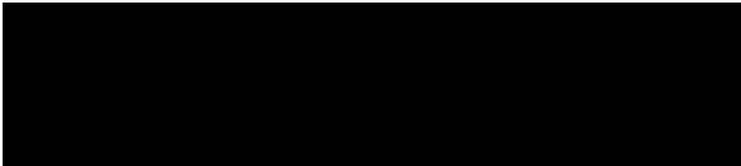
Date: **SEC 02**

IN RE:



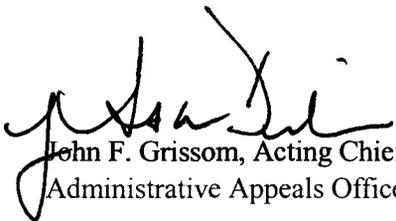
APPLICATION: Application for Permission to Reapply for Admission into the United States after Deportation or Removal under section 212(a)(9)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(9)(A)(iii)

ON BEHALF OF APPLICANT:



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.

  
John F. Grissom, Acting Chief  
Administrative Appeals Office

**DISCUSSION:** The Acting Director, Vermont 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 June 2, 2004, the acting 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 acting director based the denial on her determination that the applicant did not warrant a favorable exercise of discretion. See *Director's Decision* dated June 2, 2004.

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 June 22, 2004, counsel filed a Notice of Appeal to the Administrative Appeals Office (Form I-290B). On appeal, counsel indicates that he is not submitting a separate brief or evidence, but refers to the "attached" as the reason for the appeal. Counsel submits a copy of the acting director's decision and copies of documentation previously submitted in support of the Form I-212. Counsel submits one "new" piece of evidence in the form of a joint letter from the applicant and his spouse. This letter does not provide any new information or identify the reason for the appeal.

Counsel 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 acting 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.