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



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

[REDACTED]

H4

FILE:

[REDACTED]

Office: CALIFORNIA SERVICE CENTER
[consolidated therein]

Date:

OCT 28 2008

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) of the Immigration and
Nationality Act, 8 U.S.C. § 1182(a)(9)(A)

ON BEHALF OF APPLICANT:

[REDACTED]

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, Chief
Administrative Appeals Office

DISCUSSION: The application for permission to reapply for admission after removal was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record reflects that the applicant is a native and citizen of El Salvador who initially entered the United States without inspection in June 1982. On September 22, 1986, the applicant was convicted of carrying a concealed weapon, and was sentenced to ten (10) days in jail and twelve (12) months probation. On September 15, 1987, the applicant was convicted of possessing/manufacturing/selling a dangerous weapon, and was sentenced to forty (40) days in jail and twenty-four (24) months probation. On May 24, 1994, the applicant was convicted of carrying a loaded firearm, and was sentenced to ninety (90) days in jail and thirty-six (36) months probation. On June 14, 1994, an Order to Show Cause (OSC) was issued against the applicant.¹ On June 21, 1994, an immigration judge ordered the applicant deported from the United States, and on the same day, the applicant was deported to Mexico. On an unknown date before July 29, 1995², the applicant reentered the United States without inspection. On April 4, 1997, the applicant's wife filed a Petition for Alien Relative (Form I-130) on behalf of the applicant. On August 2, 1997, the applicant's Form I-130 was approved. On July 2, 1998, the applicant's wife became a United States citizen. On June 4, 2001, the applicant filed an Application for Permission to Reapply for Admission After Deportation or Removal (Form I-212). On April 12, 2004, the applicant's Form I-212 was approved. On October 19, 2005, the applicant filed an Application to Register Permanent Residence or Adjust Status (Form I-485). On January 18, 2007, the applicant's Form I-212 was reopened by the Service. On August 13, 2007, the Director denied the applicant's Form I-212. The applicant is inadmissible to the United States under sections 212(a)(9)(A)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(9)(A)(ii); 212(a)(6)(A) of the Act, 8 U.S.C. § 1182(a)(6)(A); and 212(a)(6)(C) of the Act, 8 U.S.C. § 1182(a)(6)(C). 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 reside with his United States citizen wife and children.

The Director determined that the applicant is inadmissible pursuant to section 212(a)(9)(A), 8 U.S.C. § 1182(a)(9)(A), for being previously removed from the United States; section 212(a)(6)(A) of the Act, 8 U.S.C. § 1182(a)(6)(A), for being present in the United States without admission or parole; and section 212(a)(6)(C)(i) of the Act, 8 U.S.C. § 1182(a)(6)(C)(i), for willfully misrepresenting material facts. The Director found that that the unfavorable factors in the applicant's case outweighed the favorable factors and she denied the applicant's Form I-212 accordingly. *Director's Decision*, dated August 13, 2007.

On appeal, the applicant, through counsel, requested 30-days to submit a brief and/or evidence to the AAO. *Form I-290B*, filed September 14, 2007. The record contains no evidence that a brief or additional evidence was filed within 30-days. On September 15, 2008, the AAO sent counsel a facsimile requesting evidence of the brief and/or additional evidence, or a statement by counsel that neither a brief nor evidence was filed; however, the AAO received no reply from counsel. The AAO notes that no other evidence or information

¹ The AAO notes that the applicant presented himself as [REDACTED], a citizen of Mexico.

² On July 29, 1995, the applicant married [REDACTED], a lawful permanent resident of the United States at the time, in California.

was submitted, and the appeal does not dispute or otherwise address the grounds upon which the applicant's Form I-212 was denied.

8 C.F.R. § 103.3(a)(1) states in pertinent part that:

(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 AAO finds that the applicant's appeal fails to identify any erroneous conclusion of law or statement of fact in the Director's decision. The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed.