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U.S. Department of Homeland Security  
U. S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090

U.S. Citizenship  
and Immigration  
Services

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H4

FILE:

Office: SAN DIEGO, CA  
(RELATES)

Date:

NOV 18 2009

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.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).

Perry Rhew,  
Chief, Administrative Appeals Office

**DISCUSSION:** The District Director, San Diego, California, 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 29, 2009, the district director found that the applicant was inadmissible to the United States pursuant to section 212(a)(2)(C)(ii) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(2)(C)(ii), for making a false claim to U.S. citizenship for which there is no waiver available. The district director denied the Application for Permission to Reapply for Admission into the United States after Deportation or Removal (Form I-212) accordingly. *Decision of the District Director*, dated June 29, 2009.

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

*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 July 29, 2009, counsel filed a Notice of Appeal to the Administrative Appeals Office (Form I-290B). On appeal, counsel simply asserts, "see attached." In support of the Form I-290B, counsel submits a copy of an appeal from an order of the United States District Court for the Western District of Washington in the case *Gonzales v. DHS (Gonzales II)*, 508 F.3d 1227 (9<sup>th</sup> Cir. 2007). The AAO notes that an Order Denying Plaintiffs' Motion for Preliminary Injunction (Dkt # 59) was issued, *Gonzales v. DHS*, No. C06-1411-MJP (W.D. Wash. Filed February 6, 2006). Furthermore, the case submitted by counsel does not have any bearing on the reasons for the denial of the Form I-212. 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 district director. The applicant's appeal will therefore be summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

**ORDER:** The appeal is dismissed.