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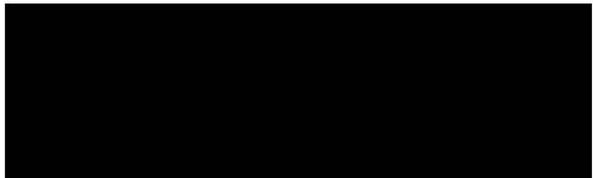
SEP 14 2009

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).

John F. Grissom  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The District Director, Tampa, Florida, 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 applicant is a native and citizen of Trinidad who, on June 4, 2000, appeared at John F. Kennedy International Airport. The applicant presented her Trinidad passport containing a U.S. nonimmigrant visa bearing the name [REDACTED]. The passport contained fraudulent reentry stamps into Trinidad. The applicant was placed into secondary inspections. The applicant admitted that she had obtained fraudulent reentry stamps into Trinidad in order to conceal her overstay in the United States and because she was reentering the United States less than two months after she had left. The record reflects that the applicant remained in the United States from June 4, 1999, until September 21, 1999 without authorization; therefore, her nonimmigrant visa was void on her last admission in October 1999 and also at the time she sought entry on June 4, 2000. The applicant was found to be inadmissible pursuant to sections 212(a)(6)(C)(i) and 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (the Act), 8 U.S.C. §§ 1182(a)(6)(C)(i) and 1182(a)(7)(A)(i)(I), for attempting to enter the United States by fraud and for being an immigrant without valid documentation. On June 5, 2000, the applicant was expeditiously removed from the United States pursuant to section 235(b)(1) of the Act, 8 U.S.C. § 1225(b)(1) under the name [REDACTED]."

In February 2001, the applicant changed her name from [REDACTED] " to [REDACTED]. The applicant applied for a U.S. nonimmigrant visa using her new name and failing to reveal her prior overstay, fraud and removal from the United States and failing to obtain a waiver and permission to reapply for admission. On July 20, 2001, the applicant was issued a new nonimmigrant visa under her new name. On July 28, 2001, the applicant was admitted to the United States as a nonimmigrant visitor under the name "[REDACTED]". On January 24, 2002, the applicant married her U.S. citizen spouse in New York City, New York. The applicant remained in the United States past her authorized stay which expired on January 28, 2002. On September 18, 2003, the applicant filed an Application to Register Permanent Resident or Adjust Status (Form I-485) based on a Petition For Alien Relative (Form I-130) filed on her behalf by her U.S. citizen spouse. On the same day, the applicant filed an Application for Waiver of Grounds of Inadmissibility (Form I-601), seeking a waiver under section 212(i) of the Act, 8 U.S.C. § 1182(i). On June 29, 2005, the Form I-130 was approved. On February 20, 2007, the Form I-601 and Form I-485 were denied.

On June 22, 2009, the applicant filed the Form I-212, indicating that she continued to reside in the United States. The applicant is inadmissible under section 212(a)(9)(A)(i) of the Act, 8 U.S.C. § 1182(a)(9)(A)(i). She 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 remain in the United States and reside with her U.S. citizen spouse and two U.S. citizen children.

The district director determined that the applicant was subject to reinstatement under section 241(a)(5) of the Act and is ineligible for any relief under the Act. The district director denied the Form I-212 accordingly. *See District Director's Decision*, dated April 27, 2009.

On appeal, counsel states that he will send supporting documentation, arguments and information within 30 days. *See Form I-290B*, dated May 26, 2009. In support of his contentions, counsel submits only the referenced Form I-290B. On the Form I-290B, counsel indicates that he will

forward additional evidence and/or a brief within thirty days. The regulation at 8 C.F.R. § 103.3(a)(2)(viii) and the instructions to Form I-290B require the affected party to submit the brief or evidence directly to the AAO, not to the Tampa, Florida District Office or any other federal office. The record does not contain the brief and/or evidence that counsel indicated would be submitted to the AAO. Even if counsel were to submit evidence that a brief was filed with an office other than the AAO, the AAO would not consider the brief on appeal because counsel failed to follow the regulations or the instructions for the proper filing location. Accordingly the record is complete.

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.

As discussed above, counsel failed to provide any new information or identify the reason for the appeal.

Since, 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 notice of appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(v).

**ORDER:** The appeal is dismissed.