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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**

H4



FILE:



Office: LOS ANGELES, CA

Date: **SEP 13 2010**

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: Self-represented

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. 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. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew,
Chief, Administrative Appeals Office

DISCUSSION: The Field Office Director, Los Angeles, 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 summarily dismissed.

The record reflects that, on August 27, 2009, the field office director found that the applicant was inadmissible to the United States pursuant to section 212(a)(9)(C) of the Act, 8 U.S.C. § 1182(a)(9)(C), for illegally reentering the United States after having been removed from the United States. The field office director determined that the applicant was not eligible to apply for permission to reapply for admission because he had not remained outside the United States for the required ten years. The field office director denied the Form I-212 accordingly. *Decision of the Field Office Director*, dated August 27, 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 September 25, 2009, the applicant filed a Notice of Appeal (Form I-290B). In support of the appeal, the applicant submits the referenced Form I-290B, letters from family members, identity documents for family members and copies of documentation already in the record. On May 25, 2009, the AAO issued a Request for Further Evidence (RFE), noting that the applicant appeared to have reentered the United States after having been removed on November 19, 2008, as the applicant indicated on the appeal that he resided in the United States and the appeal had been sent from a U.S. address. The applicant failed to respond to the RFE requesting documentation to establish that the applicant resided outside the United States.

On the Form I-290B, the applicant contends that his family is going through a very difficult time and they are suffering extreme hardship due to his current situation. The field office director found the applicant *ineligible* to apply for permission to reapply for admission.¹ 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 field office 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.

¹ See *Matter of Torres-Garcia*, 23 I&N Dec. 866 (BIA 2006); *Matter of Briones*, 24 I&N Dec. 355 (BIA 2007); *Gonzales v. DHS (Gonzales II)*, 508 F.3d 1227 (9th Cir. 2007); and *Matter of Diaz and Lopez*, 25 I&N Dec. 188 (BIA 2010).