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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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[REDACTED]

HOMELAND, CA 92548

FILE: [REDACTED] Office: SAN BERNARDINO, CA

Date: **SEP 24 2010**

IN RE: [REDACTED]

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, San Bernardino, 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 7, 2007, the field office director found that the applicant is inadmissible pursuant to section 212(a)(6)(C)(ii) of the Act, 8 U.S.C. § 1182(a)(6)(C)(ii), for making a false claim to U.S. citizenship. The field office director determined that there is no waiver for this ground of inadmissibility and that no purpose would be served in adjudicating the application for permission to reapply for admission. The field office director denied the Form I-212 accordingly. *Decision of the Field Office Director*, dated August 7, 2007.

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 February 10, 2008, the applicant filed a Notice of Appeal (Form I-290B).¹ In support of the appeal, the applicant submits the referenced Form I-290B and a letter from her spouse and copies of documentation previously provided.

On the Form I-290B, the applicant's spouse claims that the applicant was unaware that she was making a false claim to U.S. citizenship and contends that his wife believed the document to be permission for her to visit him in the United States. The record reflects that the applicant not only presented a U.S. Birth Certificate bearing the name [REDACTED] at the port of entry, but also made oral claims that she was [REDACTED] and was a U.S. citizen to immigration officers at initial inspection and initially during secondary inspection. 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 The record reflects that the applicant's appeal was improperly rejected on September 19, 2007 and December 14, 2007; therefore the original date of receipt is September 10, 2007.