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



H4

DATE: **OCT 14 2011** OFFICE: LOS ANGELES, CA

FILE: [REDACTED]

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

ON BEHALF OF APPLICANT:

[REDACTED]

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 \$630. 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 dismissed.

The applicant is a native and citizen of the Republic of Korea who sought admission as a visitor on August 11, 1997. The record indicates the applicant admitted under oath during a previous visit she attended school in the United States for six months without authorization. She was found to be inadmissible to the United States pursuant to section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(7)(A)(i)(I), for not possessing a valid entry document to enter, pass through, or remain in the United States. The applicant was ordered removed on November 25, 1997, and her departure was verified on that date. The applicant admitted she later entered without inspection on February 14, 1998. As such, the Field Office Director found that she was also inadmissible pursuant to section 212(a)(9)(C)(i)(II) of the Act, 8 U.S.C. § 1182(a)(9)(C)(i)(II) for entering without inspection after an order of removal. The applicant seeks a waiver of inadmissibility in order to continue residing in the United States with her U.S. citizen husband and children.

The Field Office Director found the applicant did not qualify for a waiver of section 212(a)(9)(A)(iii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(iii) as the applicant entered without inspection after removal, had not left the United States, and had not remained outside the United States for more than 10 years after departure and denied the Form I-212 application accordingly. *Decision of the Field Office Director, dated July 29, 2009.*

On appeal, counsel for the applicant contends that "Form I-212 was incorrectly denied. Counsel will file a brief with the AAO within 30 days." *Statement from Counsel on Form I-290B, submitted August 27, 2009.* On October 7, 2011, counsel confirmed he did not file a brief in the present case. No other statements were made regarding the denial of the applicant's Form I-212 application.

8 C.F.R. § 103.3(a)(1) 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.

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

**ORDER:** The appeal is summarily dismissed.