

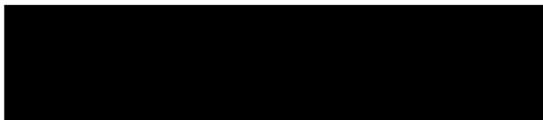
**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



**U.S. Citizenship
and Immigration
Services**

PUBLIC COPY



4

FILE: [REDACTED]
MSC-06-061-10579

Office: LOS ANGELES, CA

Date: **JUL 31 2007**

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status pursuant to the terms of the settlement agreements reached in *Catholic Social Services, Inc., et al., v. Ridge, et al.*, CIV. NO. S-86-1343-LKK (E.D. Cal) January 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.*, CIV. NO. 87-4757-WDK (C.D. Cal) February 17, 2004 (CSS/Newman Settlement Agreements), was denied by the District Director, Los Angeles. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director determined the applicant failed to demonstrate that she had continuously resided in the United States in an unlawful status since before January 1, 1982 through the date that her Form I-687 application for temporary resident status was considered filed with the Immigration and Naturalization Service (now Citizenship and Immigration Services or CIS) in the original legalization application period of May 5, 1987 to May 4, 1988. Therefore, the director found that the applicant was not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements and denied the application. The director noted that at her interview on April 18, 2006 the applicant had testified that she resided in Colombia from 1980 to 1986. The AAO notes that the record includes the applicant's statement and that her Form I-687 application, at part 32, also states that she was in Colombia from 1980 to 1986.

On appeal, the applicant asserts that she was in the United States in 1980, her parents attempted to file an application but were turned away, and that she meets the requirements for residency and physical presence. She adds, however, that "since that year I was only six(6) years old [the AAO notes that the applicant was born in 1976] and moreover under the direct guidance of my parents and so when they both decided to go back home in our country I am with them." She does not claim to have been residing in the United States from 1980 to 1986 and does not clearly state a basis for her appeal other than that she was a child when she returned to Colombia with her parents.

Any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. 8 C.F.R. § 103.3(a)(3)(iv).

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence, has not addressed the basis for denial and, in fact, has confirmed that she is not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.