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

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FILE:

MSC 05 194 33635

Office: CHICAGO

Date: NOV 14 2007

IN RE:

Applicant:

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 "R. Wieman".

Robert P. Wieman, 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. § [REDACTED] (E.D. Cal) January 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.*, CIV. NO. [REDACTED] K (C.D. Cal) February 17, 2004, (CSS/Newman Settlement Agreements) was denied by the District Director, Chicago, Illinois, and is now before the Administrative Appeals Office (AAO) on appeal. The matter will be remanded for further action.

The district director concluded that the applicant had not established that she was eligible for class membership pursuant to the CSS/Newman Settlement Agreements. Therefore, the district director determined 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 CSS/Newman Settlement Agreement states at section 9, subsection B, "Review of Decisions Involving Determination of Class Membership":

Any decision by [Citizenship and Immigration Services] denying an application for subclass membership may be appealed to a Special Master. Any such appeal must be post-marked within 30 days of the date of mailing of the notice denying the application for class membership.

In this case, the district director erroneously instructed the applicant to file her appeal, not with the Special Master, but rather with the AAO. The AAO has no jurisdiction over this matter. Therefore, this matter is remanded. The district director shall forward the appeal to the Special Master for review.

**ORDER:** This matter is remanded for further action pursuant to the above.