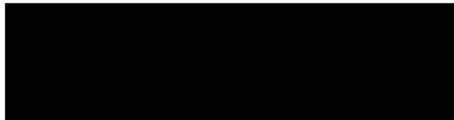


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prevent clearly unwarranted  
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Services**

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Office: LOUISVILLE

Date:

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Applicant:



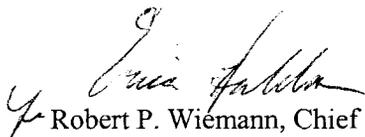
APPLICATION: Application for Temporary Resident Status under Section 245A of the  
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if the matter 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.

  
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, New Orleans, Louisiana. The applicant filed an appeal, which the director dismissed and then certified his decision to the Administrative Appeals Office (AAO). The AAO hereby withdraws the director's decision based on the director's lack of jurisdiction over the matter. See 8 C.F.R. § 103.3(a)(2)(iv). Upon review, the AAO enters its own decision summarily dismissing the appeal.

The director determined that the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through the date that he attempted to file a Form I-687, Application for Status as a Temporary Resident, with the Immigration and Naturalization Service or the Service (now Citizenship and Immigration Services or CIS) in the original legalization application period between May 5, 1987 to May 4, 1988. Therefore, the director concluded 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 dismissed a subsequent appeal of his decision and certified his decision to the AAO. However, the regulation at 8 C.F.R. § 103.3(a)(2)(iv) states the following:

If the reviewing official will not be taking favorable action or decides favorable action is not warranted, that official shall promptly forward the appeal and the related record of the proceeding to the AA[O] in Washington, D.C.

Therefore, the director's dismissal of the appeal was invalid and must be withdrawn, as jurisdiction with regards to the appeal remains with the AAO, not with the director whose decision was being appealed. Accordingly, the AAO hereby withdraws the director's decision and enters its own decision.

On appeal, the applicant states that he submitted all documents and all of his visas and passports since 1989. The applicant further states that he "is trying to find the one" that "brought" him to the United States on March 15, 1981.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal which is filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. The applicant has failed to address the reasons stated for denial and has not provided any additional evidence on appeal. The appeal must therefore be summarily dismissed.

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