

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

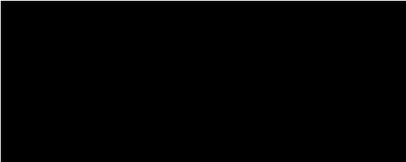
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

L1



FILE: MSC-05-166-11693

Office: NATIONAL BENEFITS CENTER

Date: OCT 25 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 "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for Temporary Resident Status was denied by the Director of the National Benefits Center and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because he found the evidence submitted with the application was insufficient to establish eligibility for Temporary Resident Status pursuant to the terms of the CSS/Newman settlement agreements. The director stated in his Notice of Intent to Deny (NOID) that the applicant failed to submit evidence apart from his own testimony proving that he maintained continuous residence in the United States during the requisite period, was continuously physically present in the United States from November 6, 1986 and then for the duration of the requisite period or that he was admissible as an immigrant. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. Though the director noted that his office received evidence in response to his NOID, he found that the evidence submitted was insufficient to overcome his grounds for denial. He went on to say that the reason this evidence was found insufficient was that it did not offer proof that the applicant entered the United States before January 1, 1982 or that he resided in an unlawful status for the duration of the requisite period as applicants for Temporary Resident Status must do pursuant to the CSS/Newman Settlement Agreements. Therefore, he denied the application.

Though not noted by the director, the applicant's record contains evidence that the applicant has been arrested for crimes on three occasions. An alien is ineligible for adjustment to Temporary Resident Status if he or she has been convicted of a felony or three or more misdemeanors pursuant to the regulation at 8 C.F.R. § 245a.2(c)(1).

The record shows that on October 12, 2000 the applicant was arrested by the Lake Worth Police Department and charged with fraud, a felony in the third degree under FL831.02. On the same date he was also charged with Larceny, a third degree felony under FL812.014(c). However, it is noted that it appears that both of these charges against the applicant were abandoned.

The record contains details of a second arrest made on August 7, 2001 at which time the applicant was arrested for loitering by the Metro Dade Police Department and a third arrest, which occurred on October 3, 2002 at which time the applicant was arrested by the Metro Dade Police Department for driving under the influence.

It is noted here that while the record indicates that felony charges against this applicant were abandoned, and it is unclear whether the applicant was convicted of crimes associated with his second and third arrests. It is further noted that on his Form I-817, Application for Family Unity Benefits, at part #9 when the applicant was asked if he had ever been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, he indicated that he had not. He signed this form December 8, 2005, after the date of all three arrests.

On appeal, the applicant states that he requires an additional thirty (30) days to submit a brief in support of his case. The applicant submitted his Form I-694, Notice of Appeal of Decision signing it on February 7, 2007. This Form I-694 was received by the Service on February 15, 2007. As of October

10, 2007 the Service has not received a brief or other evidence from this applicant in support of his application. Therefore, the applicant has provided no additional evidence or explanation to overcome the reasons for denial of his application.

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.

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. Nor has he addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

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