



U.S. Citizenship  
and Immigration  
Services

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FILE:

MSC 05 127 11125

Office: NEWARK

Date: SEP 06 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:

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.

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-██████████ LKK (E.D. Cal) January 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.*, CIV. NO. ██████████ WDK (C.D. Cal) February 17, 2004, (CSS/Newman Settlement Agreements) was denied by the District Director, Newark, New Jersey, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed based on its withdrawal by the applicant.

On July 11, 2007, the applicant was issued a notice informing him that it was the AAO's intent to dismiss his appeal based on derogatory information, which leads to a finding that he submitted fraudulent documents and willfully misrepresented material facts in an attempt to establish his continuous residence in the United States during the requisite period. The AAO further informed the applicant that he was inadmissible to the United States under Section 212(a)(6)(C) of the Immigration and Nationality Act (Act), 8 U.S.C. 1182(a)(6)(C), as a result of his actions. The applicant was granted fifteen (15) days to provide independent and objective evidence to overcome, fully and persuasively, these findings. *See Matter of Ho*, 19 I&N Dec. 582 (BIA 1988). The applicant was informed that a withdrawal of his application would not negate or prevent a finding of inadmissibility.

On August 14, 2007, the AAO received a letter from counsel requesting a withdrawal of the applicant's application and appeal for temporary residence under Section 245A of the Act. The appeal is, therefore, dismissed based on its withdrawal by the applicant. Furthermore, because the applicant has failed to provide independent and objective evidence to overcome, fully and persuasively, the finding that he willfully misrepresented material facts, we affirm our finding that the applicant is inadmissible to the United States under Section 212(a)(6)(C) of the Act.

**ORDER:** The appeal is dismissed based on its withdrawal by the applicant.