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FILE: [REDACTED]
MSC-05-151-10021

Office: NEW YORK

Date: APR 30 2008

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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

A handwritten signature in black ink, appearing to read "R. 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, New York. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she 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. Specifically, in her Notice of Intent to Deny (NOID), issued February 1, 2006, the director noted that the applicant stated that he left the United States in January 1982 and did not return until 1986 at the time of his interview with a Citizenship and Immigration Services (CIS) officer on January 26, 2006 pursuant to his Form I-687 application. The director went on to say that this absence represented a break in residency that exceeded a single absence of forty-five (45) days. The director also noted that the applicant failed to submit a final disposition document for each arrest or charge against him. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. In her Notice of Decision, dated September 23, 2006, the director stated that the applicant failed to submit additional evidence for consideration in response to her NOID. Therefore, he did not overcome her reasons for denial as stated in her NOID and she denied the application. In doing so, she also noted that government records showed that this applicant has been arrested on three (3) occasions.

It is noted here that the record indicates that the applicant was arrested on three occasions. On September 9, 1992, he was arrested and charged with criminal possession of a weapon in the second degree, possession of a loaded firearm and failure to obey a traffic sign. The record indicates that the applicant subsequently pleaded guilty and was convicted of criminal possession of a weapon in the fourth degree. The applicant was also arrested on December 20, 1994 for criminal possession of a weapon in the second degree, for criminal possession of a weapon, and for being menacing with a weapon in the second degree. The record does not indicate whether a conviction resulted from this arrest. The record shows the applicant was arrested a third time on May 22, 2002. The applicant was arrested under PL 165.71, trademark counterfeiting in the third degree. The applicant pled guilty and was charged with a violation of local law, a misdemeanor. No final court dispositions were submitted regarding these arrests.

On appeal, the applicant submitted a blank Form I-694 Notice of Appeal of Decision. He failed to identify any error made by the director. He further failed to provide 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.