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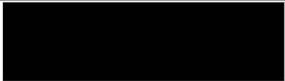
U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: HOUSTON

Date:

MSC 05 230 14575

DEC 11 2008

IN RE:

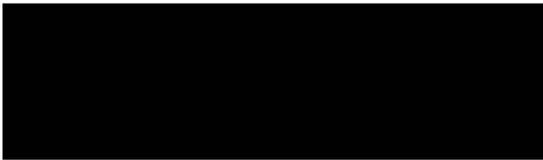
Applicant:



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. 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 "John F. Grissom".

John F. Grissom, Acting 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 Director, Houston. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet on May 18, 2005. Upon review, the director determined that insufficient evidence had been presented to establish eligibility under section 245A of the Act. On December 13, 2006, the director issued a notice of intent to deny (NOID) stating that due to the discrepancies and lack of credibility of the documents submitted, the applicant had failed to establish that she first entered the United States before January 1, 1982 and thereafter resided continuously in the United States in an unlawful status for the duration of the requisite period. The applicant was granted 30 days from the date of the notice to submit additional evidence in response to the NOID. The applicant failed to submit additional evidence. The director denied the application, finding that the applicant had not provided credible evidence to establish eligibility under section 245A of the Act on March 2, 2007.

No reason for the appeal is stated on Form I-694, Notice of Appeal of Decision under section 210 or 245A but counsel on behalf of the applicant indicated that a brief would be submitted within 30 days of the appeal. The appeal was filed with Citizenship and Immigration Services (CIS) on April 1, 2007. On November 24, 2008, the AAO requested by facsimile transmission for the attorney of record to mail within five business days a copy of the additional evidence and/or brief, as indicated on Form I-290B, along with evidence of the date it was originally filed with the AAO. On November 26, 2008, the AAO received a facsimile transmission from the attorney of record, [REDACTED] indicating that he did not file a brief or evidence in support of this appeal. Therefore, the record is considered complete.

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. On appeal, counsel provided no new evidence or explanation to overcome the reasons for denial of the applicant's I-687 application.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, counsel has not presented additional evidence and has not addressed the grounds stated in the director's denial. The appeal must therefore be summarily dismissed.

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