



U.S. Citizenship  
and Immigration  
Services

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

**PUBLIC COPY**

4



FILE: [REDACTED]  
MSC-05-238-11751

Office: NATIONAL BENEFITS CENTER

Date: **JAN 02 2008**

IN RE: Applicant: [REDACTED]

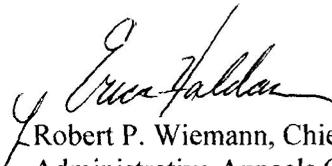
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. 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-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, National Benefits Center. That decision 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. It is noted here that applicants for adjustment of status to that of a Temporary Resident must establish that they are admissible as immigrants pursuant to the regulation at 8 C.F.R. § 245a.2(d)(5). In the director's Notice of Intent to Deny (NOID), he noted that the applicant's record showed that he was arrested for one (1) or more felonies or three (3) or more misdemeanors convicted in the United States, which caused him to be inadmissible to the United States. The director found that he was, therefore, ineligible to adjust to Temporary Resident Status. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. Though the record shows the applicant did submit additional evidence in support of his application in response to the director's NOID, this evidence did not refute the fact that the applicant was convicted on charges of possession of marijuana for sale on July 27, 1994, a felony. The director noted that the regulation at 8 C.F.R. § 245a.2(c) states that applicants who have been convicted of a felony are ineligible to adjust status to that of a Temporary Resident. Therefore, the director denied the application.

On appeal, the applicant submits a letter on which he states that though he was convicted of a felony on July 27, 1994, he was young at the time he committed this crime. He asserts that now he is older and has a family to support and would like to continue to be able to work legally in the United States. The applicant 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.