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U.S. Citizenship  
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LI

FILE: [REDACTED]  
MSC-04-349-10913

Office: DALLAS

Date: JUN 20 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.

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, Dallas, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily 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 September 13, 2004. The director submitted a Notice of Intent to Deny (NOID) to the applicant on August 30, 2007. The director indicated in the NOID that the Citizenship and Immigration Service's records showed that the applicant had been arrested and/or convicted of at least three misdemeanors. The director listed the criminal charges and/or convictions as follows:

<u>Date</u>	<u>Charge</u>	<u>Classification</u>	<u>Disposition</u>	<u>Location</u>
11/17/04	Assault Causes Bodily Injury	Class A Misdemeanor	Guilty-Six Months Probation, Fines and Fees	Randall County, Texas
12/31/04	Injury to a Child	Felony	Unknown	Randall County, Texas
11/22/05	Assault Causes Bodily Injury	Class A Misdemeanor	Guilty-Two years probation and court costs	Amarillo, Texas
11/22/05	Assault Causes Bodily Injury	Class A Misdemeanor	Guilty-Two years probation and court costs	Amarillo, Texas

The record shows that the applicant failed to respond to the NOID and that on October 3, 2007, the director denied the application based upon the reasons detailed in the NOID. The director denied the application, finding that the applicant had not met his burden of proof and was, therefore, not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements.

The applicant indicated on the Form I-694, Notice of Appeal of Decision under Section 210 or 245A of the Act, that he would be submitting a brief within 30 days of the notice. The appeal is dated November 6, 2007. To date, the applicant has not filed any brief or evidence in support of his appeal.

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 director's decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented any evidence to overcome the director's decision. Nor has he specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.

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