



U.S. Citizenship
and Immigration
Services

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APR 29 2009

FILE: [REDACTED] Office: LOS ANGELES Date:
MSC 05 215 10908

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:

[REDACTED]

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.

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, Los Angeles. The decision is now before the Administrative Appeals Office 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, and a Form I-687 Supplement, CSS/Newman (LULAC) Class Membership Worksheet. The director denied the application because the applicant did not establish that he continuously resided in the United States for the duration of the requisite period.

On appeal, counsel states the director failed to state any sufficient reason for her decision and should have relied on the documentation and the six affidavits the applicant submitted for consideration.

On the applicant's Form I-687 that he signed on November 29, 1981, he claimed to have come to the United States for the first time on November 29, 1981. However, at his interview on March 24, 1993, the applicant signed a sworn statement admitting that his first entry into the United States was on September 8, 1984 and that the documents he submitted for proof of residence for the years 1981 through 1983 were false. He then withdrew his initial Form I-687 on March 24, 1993. It is noted that the applicant submitted some of the same documentation that he had discounted at his 1993 interview as supporting documentation for his current Form I-687 filed on May 3, 2005.

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 that the director accurately set forth a legitimate basis for the denial of the application. On appeal, the applicant has not presented additional evidence. The appeal shall therefore be summarily dismissed.

It is noted the applicant's Federal Bureau of Investigation (FBI) fingerprint results report shows that on August 6, 1998, he was arrested by the Police Department in Glendale, California and charged with the theft of personal property. The FBI report shows that he was convicted, fined and sentenced to 24 months probation. However, the final court disposition of this arrest is not included in the record of proceeding.

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