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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090

**U.S. Citizenship  
and Immigration  
Services**

[REDACTED]

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FILE: [REDACTED]  
MSC-06-016-10004

Office: LOS ANGELES

Date: **AUG 13 2009**

IN RE: Applicant: [REDACTED]

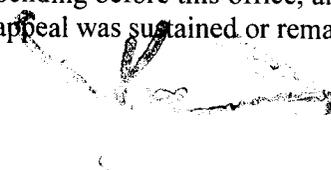
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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 (AAO) on appeal. The appeal will be dismissed.

On May 18, 2007, the director issued a denial of the Form I-687, Application to Adjust to Lawful Temporary Resident Status. The applicant filed a timely appeal on June 18, 2009. On July 2, 2009, the AAO issued a Request for Evidence (RFE) and provided the applicant with 15 days to respond with the requested information.

In the RFE, the AAO noted that on June 30, 1984 the applicant was arrested for a violation of Oregon Revised Statute 498.002, *Illegal Possession of a Game Mammal*. The AAO further noted that on April 13, 2007 the applicant was interviewed by United States Citizenship and Immigration Services (USCIS). During that interview, the applicant indicated that he was arrested in Riverside, California in 1998 for *DUI*. The AAO requested a copy of all motion papers relating to these arrests.

Furthermore, the AAO noted that the applicant submitted, as evidence of his continuous residence in the United States during the relevant period, a membership record from the Church of Jesus Christ of Latter Day Saints, indicating that he was Baptized and Confirmed in February 1982. However, the record does not indicate where the baptism took place. The AAO requested further evidence regarding the applicant's baptism, including where the baptism took place and where he resided while a member of the Church of Jesus Christ of Latter Day Saints during the relevant period.

Finally, the AAO noted that the applicant provided insufficient evidence of his continuous residence in the United State for the years 1984-1988. The applicant was request to provide further evidence of his residence during this period, including the birth certificates for all of children born in the United States, Social Security Administration records and the church records noted above.

The applicant failed to respond to the RFE within the requested time frame. The applicant was advised that failure to respond to the RFE may result in a dismissal of the appeal. Since the AAO has not received any response to the RFE, and the applicant has failed to establish his eligibility for the benefit sought, the appeal is hereby dismissed.

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