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U.S. Department of Homeland Security  
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Washington, DC 20529-2090



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

**PUBLIC COPY**

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[REDACTED]

FILE:

MSC 05 145 10911

OFFICE: NATIONAL BENEFITS CENTER

Date:

FEB 04 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:

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.

A handwritten signature in black ink, appearing to be "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, National Benefits Center. That decision was withdrawn by the Administrative Appeals Office (AAO) after the applicant submitted additional evidence in response to the AAO's request for evidence concerning the status of a misdemeanor criminal charge that had been filed against the applicant. The appeal will be dismissed on grounds not considered in the director's original decision.

On December 11, 2008, the Administrative Appeals Office (AAO) mailed a Notice Of Intent To Deny (NOID) to the applicant, informing him of the AAO's intent to deny his application for the reasons set forth therein. He was informed that he had 30 days to respond to the NOID and to provide additional information in support of his application. He responded to the NOID stating that he could not produce additional evidence in support of his application. The appeal is, therefore, dismissed for the reasons set forth in the NOID.

Therefore, based upon the foregoing, the applicant has failed to establish by a preponderance of the evidence that he has continuously resided in an unlawful status in the United States for the requisite period as required under both 8 C.F.R. § 245a.2(d)(5) and *Matter of E- M--*, *supra*. The applicant is, therefore, ineligible for temporary resident status under section 245A of the Act on this basis.

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