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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**

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FILE: [REDACTED]  
MSC-05-130-11814

Office: DALLAS

Date: **OCT 19 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. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed or rejected, 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.

A handwritten signature in black ink, appearing to read "Perry Rhew".

Perry Rhew  
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, Dallas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application, finding that the applicant had failed to submit sufficient credible evidence to establish her continuous residence in the United States since before January 1, 1982 and throughout the requisite period. The director also found that the applicant's stated absence for 12 months between December 1987 and December 1988 broke her continuous residence and made her ineligible for the benefit sought.

On appeal, the applicant maintains that she has continuously resided in the United States since April 1981 but presents no additional evidence to prove that she entered the United States before January 1, 1982 and that she resided in the United States during the requisite period. Nor does she contest the director's finding concerning her prolonged absence from the United States from December 1987 to December 1988.

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 addressed the grounds stated for denial, nor has she presented additional evidence relevant to the grounds for denial or the stated reason for 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. Accordingly, the appeal is dismissed.

The record shows that the applicant was arrested by border patrol agents and denied admission into the United States on January 2, 2000 as she attempted to enter the United States by using a counterfeit document. For this violation, the adjudicating immigration officer found that the applicant was inadmissible pursuant to Section 212(a)(7)(a)(i) of the Immigration and Nationality Act (Act). The record further shows that the applicant was removed from the United States on the same day she was arrested pursuant to 235(b)(1) of the Act. Based on these facts, the AAO finds that the applicant is inadmissible to the United States on the grounds of materially misrepresenting a material fact and is therefore, ineligible for the benefit sought. Section 212(a)(6)(C)(i) of the Act; 8 U.S.C. § 1182(a)(6)(C)(i); 8 C.F.R. § 245a.2(c)(3). Although the applicant's inadmissibility may be waived "for humanitarian purposes, to assure family unity or when it is otherwise in the public interest," pursuant to Section 245A(d)(2)(B)(i) of the Act; 8 U.S.C. § 1255a(d)(2)(B)(i); 8 C.F.R. § 245a.18(c), her application to waive such inadmissibility has previously been denied by the director. The application may not be approved for this additional reason.

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