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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
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Services

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FILE:

Office: NEW YORK

Date: OCT 30 2009

MSC 06 084 12349
MSC 08 036 13196-APPEAL

IN RE:

Applicant:



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:



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.

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, New York. 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 resubmits documentation already considered by the director.

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 addressed the grounds stated for denial, nor has he presented additional evidence. The appeal shall therefore be summarily dismissed.

The record contains a Form I-213, Record of Deportable Alien, dated February 4, 1985, indicating that a border patrol officer of the former United States Immigration and Naturalization Service (USINS) apprehended the applicant at or near El Paso, Texas, after he entered the United States. The record reflects that his Colombian passport No. [REDACTED] was issued to him on December 11, 1984 in Cali, Columbia. At his interview with the USINS officer, the applicant stated that he left his home in Columbia on January 31, 1985. On February 16, 1985, the applicant was granted the opportunity to voluntarily leave the United States by May 26, 1985 by an Immigration Judge in El Paso, Texas. The Judge's order further stated that if he failed to depart, the privilege of voluntary departure was withdrawn and the applicant was ordered deported from the United States to Columbia. On September 11, 1985, a Form I-205, Warrant of Deportation, was issued by the District Director in El Paso, Texas, ordering the applicant's apprehension and deportation. The record contains a verification of departure letter from [REDACTED], of The Colombian International Airline dated September 18, 1990, verifying that the applicant effected self-removal by departing the United States on November 8, 1987 from New York City to Cali, Colombia, on Flight [REDACTED] while an order of deportation was outstanding. See 8 C.F.R. § 241.7.

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