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



U.S. Citizenship
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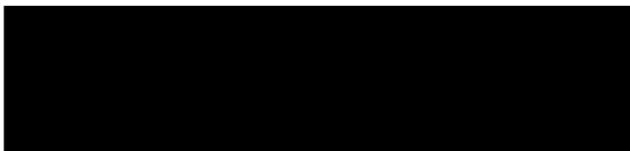
FILE:  Office: CALIFORNIA Date:
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IN RE: Applicant: 

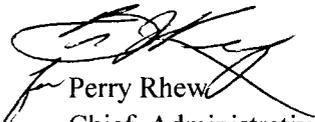
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a.

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 was denied by the Director, Western Service Center. The case was remanded by the Administrative Appeals Office (AAO). The Director, California Service Center, withdrew the previous decision and reopened the proceedings for review. The application was denied again by the director, and is now before the AAO on appeal. The appeal will be summarily dismissed.

As of March 29, 1998, applicants for temporary resident status are required to be fingerprinted at a U.S. Citizenship and Immigration Services (USCIS) Application Support Center or approved Designated Law Enforcement Agency.

Declarations by an applicant that he or she has not had a criminal record are subject to verification of facts by USCIS. The applicant must agree to fully cooperate in the verification process. Failure to assist USCIS in verifying information necessary for the adjudication of the application may result in a denial of the application. 8 C.F.R. § 245a.2(k)(5).

On April 22, 2002, the case was remanded in order for the applicant to file a Form I-690, Application for Waiver of Excludability. On September 13, 2004, a notice was sent to the applicant and counsel at their addresses of record, advising the applicant to appear at the USCIS office in Oakland, California on September 28, 2004, to be fingerprinted. The notice to counsel was sent via certified mail and the postal return receipt was signed by a representative of counsel's office on September 20, 2004. The applicant failed to appear, and the record contains no evidence that a request to reschedule was received by USCIS. On January 13, 2005 the director denied the application because the applicant failed to appear for the required fingerprinting.

Neither counsel nor the applicant has addressed the director's subsequent decision nor provided any evidence to overcome the director's finding. A Freedom of Information Act (FOIA) request was subsequently filed. On June 23, 2009, the applicant's case was administratively closed because she failed to comply with the requirements of the FOIA.

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. The applicant has failed to address the reasons stated for denial and has not provided any additional evidence on appeal. The appeal must therefore be summarily dismissed

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