

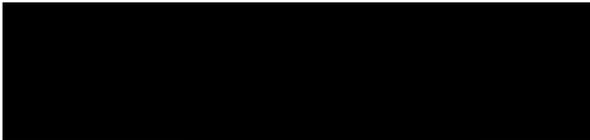


U.S. Citizenship
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Services

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FILE: [REDACTED]
MSC-05-067-10136

Office: HARTFORD

Date: AUG 15 2007

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. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, 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.


Robert P. Wiemann, 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 District Director, Hartford, Connecticut, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed based on its withdrawal by the applicant.

On June 20, 2007, the applicant was issued a notice informing him that it was the AAO's intent to dismiss his appeal based on derogatory information, which leads to a finding that he has willfully misrepresented material facts in an attempt to establish his continuous residence in the United States during the requisite period. The AAO further informed the applicant that he was inadmissible to the United States under Section 212(a)(6)(C) of the Immigration and Nationality Act (Act), 8 U.S.C. 1182(a)(6)(C), as a result of his actions. The applicant was granted thirty (30) days to provide independent and objective evidence to overcome, fully and persuasively, these findings. *See Matter of Ho*, 19 I&N Dec. 582 (BIA 1988). The applicant was informed that a withdrawal of his application would not negate or prevent a finding of inadmissibility.

On July 19, 2007, the AAO received a letter from the applicant requesting a withdrawal of his application and appeal for temporary residence under Section 245A of the Act. The appeal is, therefore, dismissed based on its withdrawal by the applicant. Furthermore, because the applicant has failed to provide independent and objective evidence to overcome, fully and persuasively, the finding that he willfully misrepresented material facts, we affirm our finding that the applicant is inadmissible to the United States under Section 212(a)(6)(C) of the Act.

ORDER: The appeal is dismissed based on its withdrawal by the applicant.

FURTHER ORDER: The AAO finds that the applicant willfully misrepresented material facts in an effort to mislead Citizenship and Immigration Services and the AAO on elements material to his eligibility for a benefit sought under the immigration laws of the United States. Accordingly, he is inadmissible under section 212(a)(6)(C) of the Act.