



U.S. Citizenship
and Immigration
Services

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FILE:

MSC-06-075-13174
MSC-06-075-13177

Office: FRESNO

Date: JUL 17 2007

IN RE:

Applicant:

APPLICATION:

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

ON BEHALF OF APPLICANT:

PHOTIC COPY

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 Director, San Francisco District Office, and is now before the Administrative Appeals Office (AAO) on appeal. The application for waiver of inadmissibility within the legalization program was also denied by the director and is also before the AAO on appeal. The appeals will be dismissed.

The director denied the Form I-687 application because he found that the applicant failed to establish by a preponderance of the evidence that he was continuously physically present in the United States during the period beginning on November 6, 1986 and ending on the date that he was "front-desked," or turned away by the Immigration and Naturalization Service according to the requirements of the CSS/Newman Settlement Agreements. Therefore, the director found the applicant to be statutorily ineligible for the benefits provided by the CSS/Newman Settlement Agreements. Consequently, the director also found that the applicant appeared to have willfully submitted false and/or fraudulent applications in order to obtain benefits that he was not entitled or eligible to receive, and, as a result, that he was inadmissible under section 212(a)(6)(C)(i) of the Immigration and Nationality Act (Act), 8 U.S.C. § 1182(a)(6)(C)(i).

On appeal of the denial of his Form I-687 application, the applicant stated that he is a genuine applicant, and he requested that his application for temporary residence be granted. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application.

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 the director accurately set forth a legitimate basis for denial of the application for temporary residence. On appeal, the applicant has not presented additional evidence. Nor has he addressed the grounds stated for denial. The appeal of the denial of temporary residence must therefore be summarily dismissed.

On his Form I-690, the applicant indicated he is inadmissible under section 212(a)(9)(B)(i)(I) of the Act, 8 U.S.C. § 1182(a)(9)(B)(i)(I), or section 212(a)(9)(B)(i)(II) of the Act, 8 U.S.C. § 1182(a)(9)(B)(i)(II), which relate to certain applicants who have been unlawfully present in the United States. The applicant also indicated he is inadmissible under section 212(a)(9)(C)(i)(I), 8 U.S.C. § 1182(a)(9)(C)(i)(I), or section 212(a)(9)(C)(i)(II), U.S.C. § 1182(a)(9)(C)(i)(II), which relate to certain applicants who have been unlawfully present after previous immigration violations.

The director denied the Form I-690 application because he found that the Form I-687 application was denied and, as a result, there was no pending application to which the waiver of grounds of excludability could be applied. The director's decision to deny the waiver application because the applicant was otherwise ineligible is supported by *Matter of Martinez-Torres*, 10 I&N Dec. 776 (Reg. Comm. 1964) and *Matter of J-F-D* 10 I&N Dec. 694 (Reg. Com. 1963). Those decisions relate to applications for permission to reapply for admission after deportation, yet the decisions are on point and

relevant to the current proceeding. In each case the Regional Commissioner found that no purpose would be served in waiving inadmissibility if the alien was ineligible for the overall benefit of lawful residence.

On appeal of the denial of his Form I-690 application, the applicant stated that he is a genuine applicant of a 1981 case, and he requested that his application for waiver be granted. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application for waiver of grounds of inadmissibility. On appeal, the applicant has not presented additional evidence. Nor has he addressed the grounds stated for denial. The appeal of the denial of waiver of grounds of inadmissibility must therefore be summarily dismissed.

ORDER: The appeals are dismissed. This decision constitutes a final notice of ineligibility.