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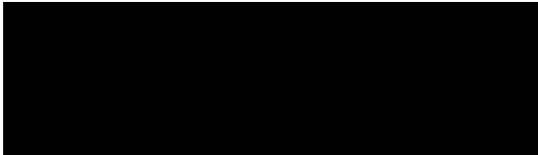
U.S. Department of Homeland Security
20 Massachusetts Ave., NW, RM. 3000
Washington, D.C. 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:

Office: CHICAGO

Date: DEC 29 2008

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:

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. 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.

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The application for Class Membership in the Catholic Social Services (CSS)/Newman Settlement Agreements was submitted by the applicant in June of 1990. The applicant was interviewed regarding that application in September of 1993. The record reflects that the immigration officer who interviewed the applicant found the applicant failed to establish that she was a class member at that time. The applicant submitted a Form I-694 Notice of Appeal of Decision Under Section 210 or 245A of the INA. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form For Determination of Class Membership in CSS v. Meese in 1990. At the time the applicant filed this Form I-687, the former Immigration and Naturalization Service (INS), now United States Citizenship and Immigration Services (USCIS) requested that applicants file Forms I-687 and supporting documentation not to establish eligibility to adjust to temporary resident status, but rather to establish that they were class members.

The record reflects that director found the applicant was not a class member, as the applicant made inconsistent and conflicting statements during a September 1993 interview. Though the record indicates that the applicant did not receive an Employment Authorization Card at that time, it is not clear what correspondence, if any, the applicant received from the director informing her that she did not establish class membership.

The applicant submitted a Form I-694 Notice of Appeal of Decision Under Section 210 or 245A of the INA on September 3, 2008. In her appeal, the applicant states that she was told in September of 1993 that she would receive another appointment but has not received any correspondence regarding her case. She states that she would like to be granted employment authorization.

Beginning on May 24, 2004, and continuing through December 31, 2005, as a result of the CSS/Newman Settlement Agreements, applicants who either had previously established they were class members or were prima facie eligible as class members pursuant to those agreements were able to file Forms I-687 for legalization. Those Forms I-687 were adjudicated and determinations regarding both Class Membership and eligibility of applicants to adjust to temporary resident status were made.

However, in this case, the applicant did not file for legalization pursuant to those settlement agreements during the May 24, 2004 to December 31, 2005 filing period. As was previously noted, the Form I-687 in the record was used to determine whether the applicant was a class member rather than to determine her eligibility to adjust to temporary resident status under Section 245A of the Immigration and Nationality Act (Act).

Because the applicant did not file her Form I-687 to establish her eligibility for legalization but rather filed this form for other purposes, the AAO does not have jurisdiction over the matter.

ORDER: The appeal is rejected because of a lack of jurisdiction over the matter. This decision constitutes a final notice of ineligibility.