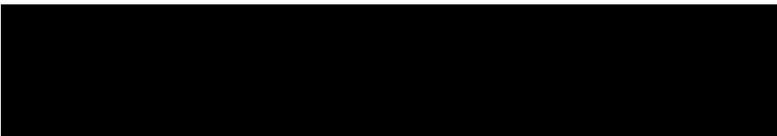




U.S. Citizenship
and Immigration
Services

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invasion of personal privacy

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FILE: [REDACTED] Office: CALIFORNIA SERVICE CENTER Date: JAN 18 2008
XLA-88-590-2136

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. All documents have 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 or rejected, 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.

A handwritten signature in black ink, appearing to read "D. King" or similar, written over a horizontal line.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Form I-687 application for temporary resident status was approved in 1988, and denied by the Director, California Service Center (CSS) on May 30, 1989. The CSS reopened the case on motion. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

An applicant for temporary resident status must establish entry into the United States before January 1, 1982, and continuously residence in the United States since such date, through the date the application is filed. Section 245A(a)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1255a(a)(2).

The applicant submitted a Form I-687, Application for Status as a Temporary Resident Under Section 245A of the Immigration and Nationality Act (Act), in 1988. The applicant was approved in 1989, and denied by the director on June 26, 1997, after determining that the applicant had failed to report for two previously scheduled interviews to determine her eligibility for temporary resident status. The director also noted that the applicant had not contacted the district office since she filed her application.

The applicant appealed the director's decision on July 29, 1997. The CSS reopened the case on motion, however, the office does not have jurisdiction to adjudicate the Form I-694. Therefore, the CSS motion to reopen will be withdrawn.

The applicant indicated on the Form I-694, Notice of Appeal of Decision under Section 210 or 245A of the Immigration and Nationality Act (Act), that she would be submitting a brief within 30 days of the notice. The appeal is dated July 29, 1997. To date, the applicant has not filed any brief or evidence in support of her appeal.

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 director's decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented any evidence to overcome the director's decision. Nor has she specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.

Finally, the record reflects that on October 25, 1996, the applicant was arrested by the Los Angeles, California Police Department and subsequently charged with Felony Burglary in violation of California Penal Code 459. On November 20, 1996, the applicant was convicted in the Los Angeles Municipal Court of a lesser-included offense of Theft of Personal Property (a misdemeanor) in violation of California Penal Code section 484 (a). (Case number [REDACTED]) While this conviction does not render the applicant ineligible pursuant to 8 C.F.R. § 245a.11(d)(1) and 8 C.F.R. § 245a.18(a), the AAO notes that the applicant does have a misdemeanor conviction.

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