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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

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[REDACTED]

FILE:

[REDACTED]

Office: NEW YORK

Date:

MAY 02 2008

MSC-05-225-11042

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. 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.

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, New York. That decision is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet. The director determined that the applicant had not established by a preponderance of the evidence that he had continuously resided in the United States in an unlawful status for the duration of the requisite period. The director denied the application, finding that the applicant had not met his burden of proof and was, therefore, not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements.

Although not addressed in the director's decision, it should be noted that a Federal Bureau of Investigation (FBI) report based on the applicant's fingerprints reveals that on April 7, 1994 he was arrested and charged with *Criminal Impersonation of Another Person*. Section 190.25 of the New York Penal Law provides that a person is guilty of *Criminal Impersonation in the Second Degree* when he impersonates another and does an act in such assumed character with intent to obtain a benefit or to injure or defraud another. N.Y. Penal Law § 190.25 (McKinney 1994). This crime is classified as a class A misdemeanor, which carries a sentence of imprisonment not exceeding one year. N.Y. Penal Law § 70.15 (McKinney 1994). The applicant has not provided any court documents related to this arrest. Therefore, the final disposition of the charge remains unknown. Additionally, the FBI report reveals that on March 3, 1995, the New York Police Department issued a warrant for the applicant's arrest under his alias, [REDACTED]. The FBI report, dated July 7, 2005, advises that this warrant may still be outstanding.

On appeal, the applicant indicated that he would submit a brief within 30 calendar days. The applicant further indicated that he would soon submit additional evidence. The applicant's Form I-694, Notice of Appeal, was received as properly filed on August 15, 2006. As of the date of this decision, the applicant has not furnished any additional evidence nor has he specifically addressed the director's analysis of his evidence.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

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



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