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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: CHICAGO Date: MAY 28 2000
MSC-04-356-11227

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: On June 8, 2006, the District Director denied 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). The decision was appealed to the Administrative Appeals Office (AAO), and the AAO dismissed the appeal on September 6, 2007, finding that the applicant had not submitted sufficient evidence that he had resided unlawfully in the United States for the requisite period. The applicant has now submitted a Form I-290B, Notice of Appeal or Motion, requesting that the AAO reopen and reconsider its prior decision and asserting that he has been in the United States since 1979. In response, the AAO declines to *sua sponte* reopen its decision.¹

The applicant is requesting that the AAO reopen its prior decision based on his statement alone. Absent any showing of legal error or additional evidence of residence, however, the applicant's statement is not a sufficient basis to reopen the prior decision. The evidence in the record does not support a conclusion that the applicant was residing unlawfully in the United States for the requisite period. After reviewing the record, the AAO finds no grounds to reopen its prior decision or change its prior order. The request to *sua sponte* reopen its prior decision is therefore denied. The AAO's order of September 6, 2007 remains in effect.

ORDER: The request for the Service to reopen *sua sponte* is denied.

¹ Motions to reopen or reconsider a decision on an application for temporary residence are not permitted. 8 C.F.R. § 245a.2(q). The AAO may, however, *sua sponte* reopen any proceeding conducted by the AAO under 8 C.F.R. § 245a and reconsider any decision rendered in such proceeding. 8 C.F.R. § 103.5(b).