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**U.S. Citizenship  
and Immigration  
Services**

LI

[REDACTED]

FILE:

[REDACTED]  
MSC 06 096 14322

Office: LOS ANGELES

Date:

**APR 03 2009**

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:

[REDACTED]

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 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, Los Angeles. The 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 (LULAC) Class Membership Worksheet. The director denied the application because the applicant did not establish that he continuously resided in the United States for the duration of the requisite period.

On appeal, the applicant states that at his interview he was very nervous and did not feel very good. The applicant requests that his application be reconsidered and indicates that he can be contacted if any additional information is needed.

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

An alien who has been convicted of three or more misdemeanors or a felony in the United States is ineligible to adjust to temporary resident status. 8 C.F.R. § 245a.3(c)(1). The regulations at 8 C.F.R. § 245a.1(o) and (p) define "misdemeanor" and "felony" as:

*Misdemeanor* means a crime committed in the United States, either

- (1) Punishable by imprisonment for a term of one year or less, regardless of the term such alien actually served, if any, or
- (2) A crime treated as a misdemeanor under the term "felony" of this section.

For purposes of this definition, any crime punishable by imprisonment for a maximum term of five days or less shall not be considered a misdemeanor.

*Felony* means a crime committed in the United States, punishable by imprisonment for a term of more than one year, regardless of the term such alien actually served, if any, except: When the offense is defined by the State as a

misdemeanor and the sentence actually imposed is one year or less regardless of the term such alien actually served. Under this exception for purposes of section 245a of the Act, the crime shall be treated as a misdemeanor.

The record reflects that on March 19, 1985, the applicant was convicted by a Judge in the Sutter County Municipal Court, State of California, of being the “driver of a vehicle involved in an accident resulting in damage to any property including vehicles who did fail to either locate and notify the owner or person in charge of such property of the name and address of the driver and owner of the vehicle involved, or, leaving in a conspicuous place on the vehicle or other property damaged a written notice giving the name and address of the driver and of the owner of the vehicle involved and a statement of the circumstances thereof and without unnecessary delay notify the Yuba City Police Department of the place where the collusion occurred” a misdemeanor. The Judge also convicted him of driving a vehicle upon a highway in willful or wanton disregard for the safety of persons or property and willfully and knowingly violating the provisions of a court order, two misdemeanors. [REDACTED]

The applicant stands convicted of three misdemeanors. He is therefore ineligible for temporary resident status pursuant to 8 U.S.C. §1255a(4)(B); 8 C.F.R. § 245A.4(B). No waiver of such ineligibility is available. The appeal shall be dismissed for this additional reason.

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