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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS2090
Washington, DC 20529-2090

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



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FILE:



Office: NEW YORK

Date:

AUG 21 2009

MSC-05-278-13585

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:



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.

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

The director denied the application because the applicant previously filed a Form I-687 during the original legalization filing period on April 27, 1988. That application was subsequently approved by United States Citizenship and Immigration Services (USCIS) on July 20, 1988. The director noted that because the applicant filed a timely application for temporary residence during the original filing period, she had not been “front-desked” or discouraged; hence, she was ineligible for temporary resident status pursuant to the CSS/Newman Settlement Agreements. Therefore, the director denied her CSS/Newman application on June 11, 2007.

The director further noted that the applicant failed to file a Form I-698 Application to Adjust from Temporary to Permanent Resident Status, within the required period, following the approval of her original application on July 20, 1988. On appeal, the applicant indicates that she was not aware that she was required to file the Form I-698 application despite the fact that she was aware that her temporary residence had been approved in July 1988. She further asserts that she was advised by the USCIS officer in 1992 that she was required to file “in a different line” and that she was not able to proceed with the application because she did not have the required fees. She does not dispute the fact that her Form I-687 was properly filed during the original filing period, that it was approved, or that she failed to timely file the Form I-698. She does not provide any additional information or evidence in support of her eligibility.

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

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