



U.S. Citizenship
and Immigration
Services

L1

FILE: [REDACTED]
MSC-06-102-22743

Office: DETROIT

Date: DEC 07 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:

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.


Perry Rhew
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, Detroit, Michigan. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

On December 14, 2006, the director issued a denial of the Form I-687, Application to Adjust to Lawful Temporary Resident Status, noting that the applicant failed to appear for his scheduled interview with United States Citizenship and Immigration Services (USCIS) on December 7, 2006. The applicant filed a timely appeal on January 16, 2007. On September 22, 2008, the AAO remanded. The AAO noted that the director failed to send the interview notice to the applicant's address of record and that the applicant had been arrested on multiple occasions, and the record did not contain the final court dispositions for those arrests. On April 20, 2009, the director sent a notice to the applicant's address of record scheduling an interview for May 13, 2009. The applicant failed to appear for this interview, and, again, the director issued a Notice of Denial on June 11, 2009. On September 14, 2009 the AAO issued a Notice of Intent to Deny (NOID) giving the applicant an opportunity to address the absence of criminal records contained in the record of proceedings before the AAO. The applicant was given 30 days to respond to the NOID.

In the NOID, the AAO noted that the record of proceedings indicates that the applicant has been arrested as follows:

- On June 7, 1991 for violating 1). New York Penal Code §225.10 *Promoting gambling in the first degree*, a class E Felony; and 2). New York Penal Code, §225.20 *Possession with knowledge of gambling records*, a class E Felony.
- On June 9, 1992 for violating 1). New York Penal Code §225.10 *Promoting gambling in the first degree*, a class E Felony; and 2). New York Penal Code, §225.20 *Possession with knowledge of gambling records*, a class E Felony; and 3). New York Penal Code, §265 *Criminal possession of a weapon including a firearm or knife*, which can result in a conviction of either a misdemeanor or felony offense. At the time of his arrest, the applicant used the name [REDACTED]

On January 17, 1995 for a violation of 1). New York Penal Code §190.25 *Criminal impersonation in the 2nd degree*, a class A misdemeanor; and 2). New York Penal Code §165.05 *Unauthorized use of a vehicle in the 3rd degree*, a class A misdemeanor. The applicant used the name [REDACTED] as his name at the time of his arrest.

The AAO requested certified copies of court dispositions.

The applicant failed to respond to the NOID within the requested time frame. The applicant was advised that failure to respond to the NOID may result in a dismissal of the appeal. Since the AAO has not received any response to the NOID, and the applicant has failed to establish his eligibility for the benefit sought, the appeal is hereby dismissed.

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