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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]
SRC-01-110-55235

Office: TEXAS SERVICE CENTER

Date: **FEB 26 2009**

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. 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 was denied by the Director, Texas Service Center. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The applicant filed a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act). The director denied the application, finding 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 record reflects that the applicant filed the instant application subsequent to the original legalization application filing period on February 26, 2001.¹ The director stated in the denial notice that the applicant filed the application pursuant to the terms of the CSS/Newman Settlement Agreements as a class member of either *Catholic Social Services, Inc., et al., v. Ridge, et al.* or *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.* However, the application was filed prior to the date the district courts approved the CSS/Newman Settlement Agreements. The CSS Settlement Agreement was approved by the United States District Court for the Eastern District of California on January 23, 2004 and the Newman Settlement Agreement was approved by the United States District Court for the Central District of California on February 18, 2004.² Therefore, the instant application, filed February 26, 2001, was adjudicated in error as a CSS/Newman Settlement Agreement case.³

Since this application was not filed within any applicable filing period, it was adjudicated in error by the Director. Accordingly, the AAO will withdraw from the record the Director's adjudication of this application. The AAO, therefore, is without any authority to review the merits of the application, and the appeal must be rejected.

ORDER: The appeal is rejected.

¹ The original legalization application filing period began on May 5, 1987 and ended on May 4, 1988. 8 C.F.R. § 245a.2(a).

² See www.uscis.gov for a list of USCIS Settlement Notices and Agreements.

³ The AAO notes that on May 27, 2005, the applicant properly filed a Form I-687, Application for Status as a Temporary Resident, with a corresponding CSS/Newman (LULAC) Class Membership Worksheet, under the terms of the CSS/Newman Settlement Agreements. The application was denied by the District Director, Los Angeles. On July 23, 2008, the AAO dismissed the applicant's appeal of this denial.