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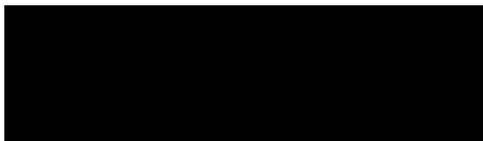
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529 - 2090

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U.S. Citizenship
and Immigration
Services

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FILE:



Office:

NEWARK

Date: JUN 04 2009

MSC-05-133-11005

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:

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.

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, or *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 of the Newark office, and is now before the Administrative Appeals Office (AAO) 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 (Act), and a Form I-687 Supplement, CSS/Newman (LULAC) Class Membership Worksheet. The director denied the application, finding that the applicant had not established by a preponderance of the evidence that she had continuously resided in the United States in an unlawful status for the duration of the requisite time period. The AAO notes that the decision of the director incorrectly states at page three that the applicant testified that she first entered the United States in August 2001. This part of the director's decision will be withdrawn. It appears that this error was a typographical error: the director's decision at page four states that the applicant claims to have entered the United States prior to January 1, 1982 and the record contains the applicant's statement at the time of interview that she entered the United States in August 1981.

In addition, the director determined that the applicant failed to establish that she is eligible for class membership pursuant to the terms of the CSS/Newman settlement agreements, based upon the applicant's statement at the time of her interview that in 1987 she filed for legalization but was subsequently told that her application was denied. Therefore, the applicant was not discouraged from filing an application during the eligibility period of the legalization program. This portion of the director's decision shall be withdrawn. By adjudicating the application on the merits, the director treated the applicant as a class member.

On appeal, the applicant submits some of the evidence previously submitted in support of the instant I-687 application. The applicant has not submitted any new evidence on appeal.

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 addressed the grounds stated for denial, nor has she presented additional evidence relevant to the grounds for denial or the stated reason for appeal. The appeal must therefore be summarily dismissed.

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