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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

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

41

FILE:

MSC 05 160 10030

Office: LOS ANGELES

Date:

**JUN 24 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.

A handwritten signature in black ink, appearing to read "John F. Grissom".

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 she continuously resided in the United States for the duration of the requisite period.

The body of the applicant's Form I-694, Notice of Appeal of Decision Under Section 210 or 245A, reads, in its entirety:

The decision was made in error because [REDACTED] was able to prove by a preponderance of the evidence that she has met the requirements for temporary residency pursuant to the CSS/Newman settle agreements.

In her brief, counsel states the evidence included tax returns, W-2 forms, and mail from the requisite period. Counsel argues the applicant has provided substantial evidence to demonstrate that she was in the United States for the requisite period. Counsel provides a statistical analysis and indicates the interests of justice are not met when only a tiny percentage of cases are being approved.

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. As stated above, on appeal, the applicant has not addressed the grounds stated for denial, nor has she presented additional evidence. It is noted that on her Form I-687, the applicant stated that her first absence from the United States after her first entry in June 1981 was an emergency trip to Guatemala in 1987. However, the record reflects that her son was born in Guatemala in 1984. Also, the applicant stated on her Form G-325A, Biographic Information, signed on July 15, 1994 that she resided in Guatemala from birth to February 1996. The appeal shall therefore be summarily dismissed.

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