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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

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FILE:

MSC-06-096-11009

Office: FORT SMITH

Date:

MAR 30 2009

IN RE:

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.

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, Fort Smith, Arkansas. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because he found the evidence submitted with the application was insufficient to establish eligibility for Temporary Resident Status pursuant to the terms of the CSS/Newman settlement agreements. Specifically, the director noted that a review of United States Citizenship and Immigration Services (USCIS) records indicate that the applicant has been arrested and charged with the following three misdemeanors: driving while intoxicated, endangering the welfare of a minor, and failure to appear. The director noted that anyone convicted of a felony or three or more misdemeanors committed in the United States is ineligible for temporary resident status pursuant to section 245A of the Act. The applicant was informed of this finding in the Notice of Intent to Deny (NOID) issued on November 28, 2006 and the director requested that the applicant submit the final disposition for each arrest. In response to the NOID, the applicant submitted a criminal record history from the Sebastian County District Court in Arkansas, indicating the applicant's three misdemeanor convictions. No additional information was provided. Accordingly, the director denied the application on April 30, 2007.

On appeal, the applicant states, "I have been in this country since 1981 and have not committed any crime." He does not provide any additional evidence or information which would establish his eligibility for temporary resident status.

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 he 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.