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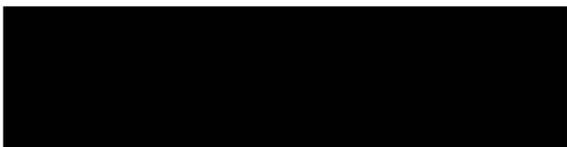
Date: **MAR 31 2009**

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 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, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The applicant must establish entry into the United States before January 1, 1982, and continuous residence in the United States since such date through the date the application is considered filed pursuant to the CSS/Newman Settlement Agreements. Section 245A(a)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1255a(a)(2).

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 Class Membership Worksheet. The director denied the application after determining 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 director noted that the applicant failed to respond to the Request for Evidence (RFE) dated January 24, 2007. In the RFE the director requested the applicant to submit a official statement from the Social Security Administration listing the years he worked, a copy of his children's [REDACTED] birth certificates that were born in Mexico, original certified court dispositions for all arrests and convictions in the United States, Form I-693, Medical Examination of Alien Seeking Adjustment of Status, an official print out from the Internal Revenue Service for the years January 1, 1982 to 1988, and other evidence of the applicant's residence in the United States from January 1, 1982 to 1988. The director denied the application, finding that the applicant was not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, counsel asserts that the director erred in denying the applicant's application and that the applicant should have been granted class membership based upon humanitarian grounds, because his failure to apply for amnesty during the statutory period was based upon negligence on the part of his consultants and the applicant's lack of education and lack of fluency in the English language. The applicant does not submit any 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 director's decision reveals that the director accurately set forth a legitimate basis for denial of the Form I-687 application. On appeal, counsel has not overcome the grounds stated for the denial, nor has the applicant 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.