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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:

MSC-06-080-10411

Office:

NEW YORK

Date:

**MAY 19 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, 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 New York 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 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 determined that the applicant failed to establish that he had continuously resided in the United States in an unlawful status during the requisite period. The director advised the applicant that USCIS had attempted to verify the contents of affidavits he submitted by contacting the affiants; however, the affiants indicated that they did not know the applicant.

In addition, the director determined that the applicant failed to establish that he is eligible for class membership pursuant to the terms of the CSS/Newman settlement agreements. Although the applicant asserted in his application and statements that he was discouraged from filing an application during the eligibility period of the legalization program, the director found that documents which the applicant submitted in support of his claim of class membership appeared to be fraudulent.<sup>1</sup> Nonetheless, the director treated the applicant as a class member by adjudicating his application on the merits.

On appeal, counsel asserts that the applicant has established that he continuously resided in the United States in an unlawful status during the requisite period. The applicant has not submitted any additional 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, counsel has not addressed the grounds stated for denial, nor has he 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.

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<sup>1</sup> Upon review, the copies of three appointment notices submitted by the applicant in support of his claim of class membership appear to have been altered and erased. In addition, one of the appointment notices, containing the date on which applicant claims he was front-desked, appears to be altered, since it contains an appointment date of February 12, 1989, which was a Sunday.