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U.S. Citizenship
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Services

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FILE:

MSC 06 102 22680

Office: LOS ANGELES

Date:

NOV 09 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:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, 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.

for Perry J. Rhew, 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, Los Angeles, California, and is now before the Administrative Appeals Office (AAO) on appeal. This matter will be dismissed.

The director concluded that the applicant's Form I-687 application had been postmarked on January 3, 2006, after December 31, 2005, the date that the CSS/Newman (LULAC) filing period had ended. Therefore, the director determined that the applicant was not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements and denied the application.

It is noted that the applicant stated on the Notice of Appeal to the Administrative Appeals Office (AAO), Form I-694, filed March 11, 2007, that an appeal brief will be submitted within 30 days. However, the record does not reflect receipt of an appeal brief. Therefore, the record must be considered complete.

On appeal, the applicant reiterated his claim of residence in this country for the requisite period.

A review of the record reveals, however, that the applicant's Form I-687 was post-marked January 3, 2006, after the closing date for filing the Form I-687 application. Therefore, the director's decision to reject the application due to late filing, will be affirmed.

It is also noted that the applicant's Federal Bureau of Investigation (FBI) fingerprint results report, reflects the following:

On June 7, 2003, the applicant was arrested by the Department of Corrections, San Jose, California, and charged with: 1 count of "driving w/a 0.08 or higher;" and, 1 count of "driving under the influen." [REDACTED]. It is noted that the final court disposition for this arrest is not in the record of proceeding.

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