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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  
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Services

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FILE: [REDACTED]  
MSC-05-053-10248

Office: NEW YORK

Date:

**OCT 08 2009**

IN RE: Applicant: [REDACTED]

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. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed or rejected, 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.

A handwritten signature in black ink, appearing to read "Perry Rhew".

Perry 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, 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, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application, finding that the applicant had failed to submit sufficient credible evidence to establish his continuous residence in the United States since before January 1, 1982 and throughout the requisite period. Further, the director stated that the record contained fraud indicator that [REDACTED] had prepared and filed the current application on behalf of the applicant. [REDACTED] according to the director, pled guilty to committing visa fraud in the Southern District of New York and had been sentenced.

On appeal, the applicant denies that [REDACTED] prepared and filed the current application on his behalf. No additional evidence has been submitted, however, to rebut or address the director's conclusion that the applicant had not submitted sufficient credible evidence to establish his eligibility for the benefit sought.

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 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.

The AAO further notes that on March 22, 2004, the applicant was arrested and charged with violating New York Penal Law Section 170.25, criminal possession of a forged instrument in the second degree, and New York Tax Law Section 1817 pertaining to sales taxes. No arrest records or certified copies of these charges or convictions have been submitted. If convicted of a felony or three or more misdemeanors, the applicant is ineligible for temporary resident status. 8 C.F.R. § 245a.2(c)(1); Section 245A(a)(4)(B) of the Act; 8 U.S.C. § 1255a(a)(4)(B).

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