



U.S. Citizenship  
and Immigration  
Services

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

**PUBLIC COPY**



L1

FILE: [Redacted]  
MSC-04-329-11067

Office: NEW YORK

Date:

**OCT 19 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.

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 her continuous residence in the United States since before January 1, 1982 and throughout the requisite period.

On appeal, the applicant requests that her case be reopened and that she be given additional time to submit additional evidence. No additional evidence, however, has been submitted or received thus far.

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 she presented additional evidence relevant to the grounds for denial or the stated reason for appeal. The appeal must therefore be summarily dismissed.

Further, the record shows that the applicant pled guilty to and was convicted of disorderly conduct on July 25, 2003, November 17, 2003, and August 6, 2004, in violation of New York Penal Law Section 240.20. Disorderly conduct under Section 240.20 of the New York Penal Law is a violation. For each violation, the applicant was sentenced to one year conditional discharge and one day of community service. See [REDACTED]

[REDACTED] According to the director, the applicant stated during the interview that she had been arrested six times. No arrest records or certified copies of the court dispositions for the other three arrests have been submitted, however. If convicted of a felony or three or more misdemeanors, the applicant is inadmissible and thus, ineligible for temporary resident status. 8 C.F.R. § 245a.2(c)(1); 8 U.S.C. § 1255a(a)(4); INA § 245A(a)(4).

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