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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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FILE: [Redacted]
MSC 05 348 13313

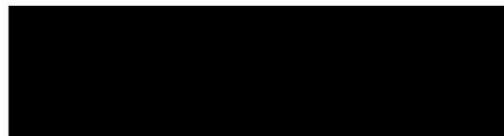
Office: HOUSTON

Date: **OCT 27 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:



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.

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, Houston. The decision 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, and a Form I-687 Supplement, CSS/Newman (LULAC) Class Membership Worksheet. The director denied the application because the applicant did not establish that he continuously resided in the United States for the duration of the requisite period.

On appeal, counsel states further grounds will be identified and a brief will be submitted, along with any additional evidence within 30 days of receipt of the materials requested by the applicant's Freedom of Information Act (FOIA) request. The record shows the applicant's FOIA request for the record of proceedings was processed and responded to on April 16, 2009. Counsel stated he would file a brief with any additional evidence to the AAO after the FOIA request was received; however, he has not done so. Therefore, the record is considered complete.

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 that the director accurately set forth a legitimate basis for the denial of the application. On appeal, the applicant has not addressed the grounds stated for denial, nor has he presented additional evidence. The appeal shall therefore be summarily dismissed.

The record contains a Form I-213, Record of Deportable/Inadmissible Alien, dated July 4, 1997, indicating that that an officer of the former Immigration and Naturalization Service inspected the applicant when he applied for admission as a pedestrian at the Gateway Bridge in Brownsville, Texas. At his interview, the applicant attempted entry by presenting a Form I-151, Permanent Resident Card, in the name of another person. On July 4, 1997, a Form I-860, Notice and Order of Expedited Removal, dated July 4, 1997, was issued to the applicant reflecting his inadmissibility to the United States for committing document fraud under Section 212(a)(6)(C)(i) of the Immigration and Nationality Act. A Form I-296, Notice to Alien Ordered Removed/Departure Verification, dated July 4, 1997, verifies his removal from the United States to Mexico on July 7, 1997.

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