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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  
and Immigration  
Services

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FILE:

MSC-06-028-11189

Office: DALLAS

Date:

**SEP 08 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. 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.

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

The director denied the application and determined that none of the evidence submitted was credible or amenable to verification. The director also found evidence showing that the applicant entered the United States in November 1989. The director additionally found the applicant inadmissible, and thus ineligible for the benefit sought, specifically because an immigration judge had entered an order of deportation *in absentia* on March 3, 1993.

On appeal, the applicant denies that he entered the United States in 1989 and had been deported in 1993. He further contends that he has resided in the United States continuously since 1981.

No additional evidence, however, has been submitted to validate the applicant's contention or to dismiss the director's finding. A review of the record further reveals that the applicant failed to appear before an immigration judge on March 3, 1993 and was consequently ordered to leave the United States. The applicant failed to leave the United States as ordered, and therefore, the AAO agrees with the director that the applicant is inadmissible, and thus ineligible for temporary resident status. Section 212(a)(9)(A)(ii) of the Immigration and Nationality Act (Act), 8 U.S.C. § 1182(a)(9)(A)(ii); Section 245A(a)(4) of the Act, 8 U.S.C. § 1255a(a)(4). Although the applicant's inadmissibility may be waived "for humanitarian purposes, to assure family unity or when it is otherwise in the public interest," pursuant to Section 245A(d)(2)(B)(i) of the Act; 8 U.S.C. § 1255a(d)(2)(B)(i); 8 C.F.R. § 245a.18(c), the applicant has not obtained a waiver of inadmissibility. The application may not be approved for this additional reason.

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 credible evidence relevant to the stated grounds for denial. The appeal must therefore be summarily dismissed.

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