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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

[redacted]

FILE: [redacted] Office: HOUSTON Date: SEP 2 8 2009
[redacted] consolidated herein]
[redacted] consolidated herein]
MSC 05 039 10126

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:

[redacted]

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.

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, Houston, Texas. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application on November 8, 2007, after determining that the applicant had failed to establish his continual unlawful residence in the United States for the duration of the requisite period.

The applicant filed an appeal from the director's decision on November 29, 2007. On appeal, the applicant provides a brief statement asserting that he will submit further proof in support of his application once he is provided with a copy of the record of proceedings. The record reflects that the request for a copy of the record of proceedings was processed on April 23, 2009. To date, no additional documentation has been received from the applicant; therefore, the record is considered complete.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal 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 denial of the application. On appeal, the applicant has not presented additional evidence. Nor has he specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

It is noted that the record reveals that the applicant was arrested in Houston on May 12, 1985, and charged with Driving While Intoxicated. In any future proceedings before United States Citizenship and Immigration Services (USCIS), the applicant must provide the final court disposition of this arrest and any other charges against him.

The record also reveals (under alien registration number that the applicant was granted voluntary departure from the United States on April 14, 1994.

The record further reveals that a Form I-130, Petition for Alien Relative, filed on the applicant's behalf (under alien registration number) by his spouse, , was denied on February 3, 1987, because the petitioner stated that her marriage to the applicant had been contracted solely for the purpose of obtaining immigration benefits and that a bona fide husband and wife relationship never existed.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 245a.2(d)(5) of the Act.

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