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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, D.C. 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC 06 102 15537

Office: LOS ANGELES

Date:

MAR 04 2010

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, Los Angeles, California, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The director denied the application because the applicant failed to submit the requested court dispositions.

On appeal, counsel argued that a Notice of Decision was not preceded by a Notice of Intent to Deny as required by law.¹ Counsel requested a copy of the record of proceedings, and indicated that a brief would be submitted within 30 days following the receipt of the record of proceedings. On September 29, 2009, counsel's request for a copy of the record of proceedings was processed.² However, more than four months later, no additional correspondence has presented by either the applicant or counsel.

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. Without specifically identifying any errors on the part of the director, counsel's assertions on appeal are insufficient to overcome the well-founded and logical conclusion the director reached based on the evidence contained in the record. The appeal must therefore be summarily dismissed.

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

¹ Counsel cites 8 C.F.R. §§ 245.a.2(u)(2) and 245.a.20(a)(2), which are not applicable to this case. The regulation at 8 C.F.R. § 103.2(b)(16)(i), provides, in part, if a decision will be adverse to the applicant and is based on derogatory information considered by U.S. Citizenship and Immigration Services and of which the applicant is *unaware*, he shall be advised of this fact and offered an opportunity to rebut the information and present information in his own behalf before a decision is rendered. [Emphasis added]. In this particular case, the applicant was arrested on May 29, 1986, April 16, 1991, September 4, 1991, and September 2, 1992, thus, he was *aware* of the derogatory information.

² NRC2009045955