



U.S. Citizenship
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Services

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FILE:

MSC-05 194 14333
MSC-09 124 13220 - APPEAL

Office: HOUSTON

Date:

MAR 18 2010

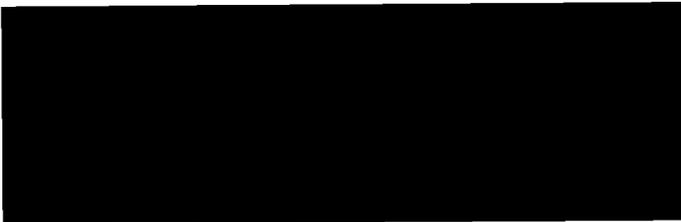
IN RE:

Applicant:



APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of
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 J. 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, or *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 in Houston, Texas. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant, a native of Mexico who claims to have lived in the United States since November 1981, submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet on April 12, 2005. The director denied the application, finding that the applicant had not established by a preponderance of the evidence that he had continuously resided in the United States in an unlawful status for the duration of the requisite period.¹

On appeal, counsel does not allege any legal or factual error in the director's decision and has submitted no new evidence bearing on the grounds for denial discussed in the decision. Counsel does not address the numerous inconsistencies cited in the NOID. Counsel requested a copy of the Record of Proceedings (ROP) and indicated that she will submit a brief/evidence within 30 days of receiving the ROP. The record reflects that the ROP was processed on November 10, 2009.² The record also reflects that counsel has submitted no brief/evidence following receipt of the ROP as she had indicated. The AAO will consider the record as complete and will adjudicate the application based on the evidence in the record.

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

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 addressed the basis for the denial.

The appeal must therefore be summarily dismissed.

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

¹ In the Notice of Intent to Deny (NOID) dated September 30, 2008, the director cited numerous inconsistencies between the applicant's prior statements and the documents he submitted in support of his application. The director noted that the inconsistencies undermined the veracity of the applicant's claim and undermined the credibility of the documents as evidence of the applicant's continuous residence in the United States from before January 1, 1982 through the requisite period. The applicant was granted 30 days to submit rebuttal or additional evidence, but he failed to do so.

² NRC2009034527.