



U.S. Citizenship
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FILE: [REDACTED]
MSC-07-125-10430

Office: NATIONAL BENEFITS CENTER

Date: **MAR 22 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:

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. 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, National Benefits Center. It is noted by the AAO that the applicant filed a Form I-694 Notice of Appeal of Decision under Section 210 or 245A on June 15, 2007 in response to a Notice of Denial sent May 23, 2007. However, the applicant filed a Motion to Reopen noting that his attorney did not receive the original Notice of Intent to Deny (NOID) or the Notice of Denial. The Motion to Reopen was approved and the director subsequently adjudicated and denied the application on September 11, 2007. The record indicates that the Notice of Denial was properly sent to the applicant. The Notice of Denial dated May 23, 2007 was withdrawn. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because he found the evidence submitted with the application was insufficient to establish eligibility for Temporary Resident Status pursuant to the terms of the CSS/Newman settlement agreements. Specifically, the director noted that the applicant had not submitted any evidence of his residence in the United States prior to January 1, 1982 or any evidence that his status was at anytime unlawful. The director noted that the applicant was issued a passport in Accra, Ghana on December 28, 1984. He then entered the United States using an F-1 student visa in the Spring of 1984. The director noted that the applicant submitted evidence of his identity and his student status, however, he failed to indicate that he entered the United States prior to January 1, 1982 or that he was present in unlawful status during the relevant period. He also does not indicate that he violated his student status. Noting the paucity of credible evidence in the record which would establish the applicant's eligibility for the benefit sought, the director denied the application on September 11, 2007.

On appeal, the applicant indicates that the director erred by denying the application for Form I-690 Waiver of Grounds of Excludability on Form I-694. He indicates that the Notice of Denial dated September 11, 2007 which concerns the Form I-687 Application for Status as a Temporary Resident should be adjudicated separately from the Form I-690 waiver application. He does not address the concerns noted by the director regarding the applicant's eligibility for temporary residence, his unlawful status, or his residence prior to January 1, 1982. The applicant requests a copy of the record of proceedings and indicates that he will submit additional evidence following receipt of the record. This request was processed on November 13, 2009.¹ No additional evidence has been received.

The AAO notes that the applicant is correct that the Form I-687 and the Form I-690 must be adjudicated separately and that the Notice of Denial must concern only one application. However, the AAO finds no evidence in the Notice of Denial dated September 11, 2007 that the director even addressed the waiver application. The waiver application is not mentioned in the Notice of Denial and the case reference number refers only to the Form I-687. Therefore, the applicant's assertion is without merit.

¹ NRC2009054481

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 presented additional evidence. Nor has he addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

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