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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:



Office: LOS ANGELES

Date:

SEP 15 2010

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. 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. The director denied the application for Class Membership and the applicant appealed to the Special Master. The Special Master indicated that the applicant had established his eligibility for class membership. 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 submitted several affidavits which lacked sufficient detail to be considered credible. The applicant also submitted conflicting testimony regarding his employment history. Noting these inconsistencies and 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 October 6, 2009.

On appeal, the applicant indicates that he has met the requirements for temporary resident status. He fails to submit any additional evidence or explanation which would establish his entry to the United States in an unlawful status prior to January 1, 1986 or his continuous residence in the United States for the duration of the requisite period.

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.

It is further noted that the record of proceedings contains a Federal Bureau of Investigation (FBI) report based upon the applicant's fingerprints, which indicates that the applicant was arrested on August 9, 1994 and charged with one count of *Felony Spouse Beating* and one count of *Inflicting Corporal Injury to Spouse*, in violation of California Penal Code (CPC) §273.5A. While the second charge was dismissed, the applicant has not submitted final court dispositions indicating relating to the first charge, *Felony Spouse Beating*.

The record shows that the applicant was convicted on October 16, 1998 of a violation of section 23103 of the California Vehicle Code, *Reckless Driving*. Docket No. [REDACTED]. An alien who has been convicted of a felony or three or more misdemeanors in the United States is ineligible for temporary resident status. 8 C.F.R. § 210.3(d)(3).

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.