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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



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DATE: SEP 23 2011

Office: GARDEN CITY, NY

FILE:

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, Garden City, New York. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record indicates that the applicant filed a Form I-687 Application for Temporary Resident Status on April 11, 2005. On February 12, 2007, the director denied the application noting that the applicant failed to appear at a scheduled interview with United States Citizenship and Immigration Services (USCIS). Thus, the director indicated that the application was abandoned.

USCIS subsequently informed the applicant that, pursuant to a recent court order, applications for temporary resident status may not be denied based on abandonment. He was informed that he was entitled to file an appeal with AAO which must be adjudicated on the merits.

The AAO conducts appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). Following *de novo* review, the AAO found that that the director's basis for denial of the Form I-687 was in error. However, the AAO identified alternative grounds for denial of the application. Specifically, the AAO noted that on June 29, 2000 through counsel, the applicant submitted a Memorandum in Support of Appeal of the Decision of an Immigration Judge in deportation proceedings. This memorandum details the applicant's activities with the [REDACTED] Party and the [REDACTED] Party in Bangladesh throughout the entire relevant period and indicates that he left Bangladesh and arrived in the United States on January 3, 1993. On the applicant's Form I-589, he indicates that he departed Bangladesh on December 22, 1992. On appeal, the applicant has not addressed these material inconsistencies.

The AAO also noted that the applicant was charged with violating Section(s) 241(a)(1)(A) and 212(a)(7)(B)(II) of the Act and removed by an immigration judge on October 1, 2003. He filed an appeal of this decision on October 24, 2003 which was subsequently dismissed by the Board of Immigration Appeals on April 15, 2005. The applicant has not been granted a Form I-690 Waiver of Grounds of Excludability, and therefore, the applicant is inadmissible to the United States.

On July 8, 2011, the AAO issued a Notice of Intent to Deny (NOID) informing the applicant of the deficiencies in the record and providing him with an opportunity to respond. The applicant submitted a response indicating that he has submitted sufficient evidence of his eligibility. He failed to address the inconsistencies noted by the AAO in the NOID including the issue of his admissibility to the United States.

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. Given the paucity of credible evidence contained in the record, the appeal will be summarily dismissed.

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