

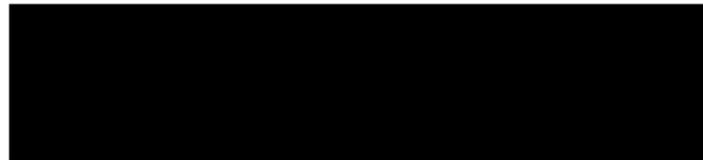
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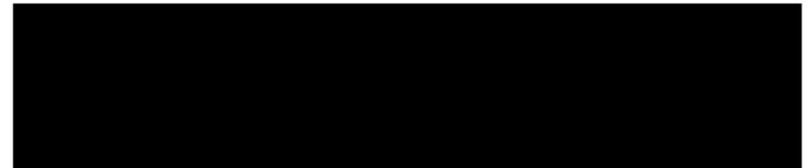
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W. MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**



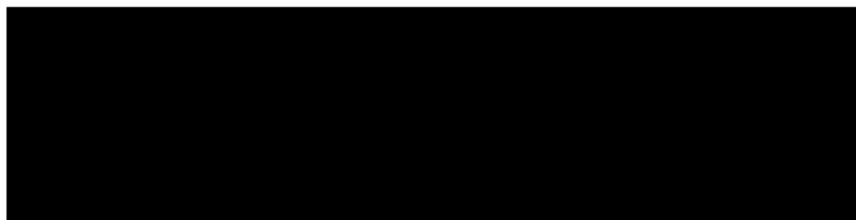
Date: **JUN 07 2012** Office: IRVING, TX



IN RE: Applicant: 

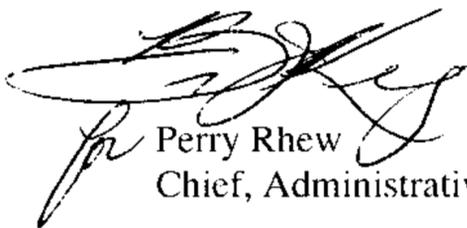
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:



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, Dallas, Texas. The applicant filed a timely appeal which was dismissed by the Administrative Appeals Office (AAO) on September 11, 2009. On September 28, 2009, the applicant filed a Motion to Reopen, requesting that his Form I-687, Application for Temporary Resident Status be reopened and adjudicated pursuant to the terms of the *Northwest Immigration Rights Project, et al vs. USCIS, et al*, 88-CV-00379 JLR (W.D. Was.) (NWIRP). The motion was approved and on August 25, 2010, the director, Irving, Texas denied the application. The applicant timely appealed to the AAO, and on March 30, 2011, the AAO dismissed the appeal. The matter is now before the AAO on motion. The motion will be rejected.

On October 11, 2011, the applicant filed a Form I-290B, Notice of Appeal or Motion, which is currently before the AAO.¹ In the motion to reopen, the applicant requests that he be allowed to have a fair representation to discuss his case and answer questions about his claim under NWIRP settlement.² The applicant has not submitted any further evidence in support of his motion.³

While the AAO may *sua sponte* reopen on its own motion a matter previously adjudicated, the record reveals no error in the dismissal of either the application for temporary residence or the appeal that would warrant reopening. Moreover, the applicant has not submitted any additional evidence or legal arguments in his motion to reopen. Therefore, the AAO finds that the record in this case does not warrant a reopening *sua sponte*.

Accordingly, the motion will be rejected and the previous decision of the AAO will not be disturbed.

ORDER: The motion is rejected. This decision constitutes a final notice of ineligibility.

¹ While the AAO notes that the Form I-290B was filed well beyond the 33-day deadline to file a motion, we reserve the right to *Sua Sponte* reopen a matter previously adjudicated if it meets the requirements of a motion to reopen as described in 8 C.F.R. § 103.5(a)(2) or a motion to reconsider as described in 8 C.F.R. § 103.5(a)(3).

² The AAO notes that the applicant listed the application on the Form I-290B as Form I-485, but did provide the date of the denial of the Form I-485. The applicant indicated on the body of the Form I-290B that he is requesting relief for the AAO's dismissal of his NWIRP application. The AAO will accept the Form as a motion to reopen the AAO's dismissal of the applicant's claim under the NWIRP settlement agreement and not as an appeal of his Form I-485 application.

³ A motion to reopen must state the new facts to be proven in the reopened proceeding and, when filed, be supported by affidavits or other documentary evidence. 8 C.F.R. § 103.5(a)(2).