

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**

41

[REDACTED]

Date: NOV 30 2012

Office: HOUSTON

FILE: [REDACTED]

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:

[REDACTED]

**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 director of the Houston office terminated the temporary resident status of the applicant. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

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 approved on February 1, 2007. On March 26, 2012, the director of the Houston office terminated the temporary resident status of the applicant, finding the applicant to be ineligible for temporary resident status based on a lack of documentation in the record of proceedings.

The instant appeal was filed on April 26, 2012. Where asked to briefly state the basis for the appeal on the Form I-694, Notice of Appeal, counsel for the applicant stated as follows:

The applicant states that the Services error (sic) in denying the application (sic) Status Temporary Resident . . . Respondent argues that he did met (sic) his burden by a preponderance of the evidence . . . Nevertheless the Services continues to disregard the weight of respondent's affidavit which is an abuse of discretion. . . .

Counsel stated that she would submit a brief within 30 days of the processing the applicant's FOIA request. The record reflects that the applicant's FOIA request, number [REDACTED], was processed on September 25, 2012. Counsel has not submitted a brief on appeal. The applicant has not submitted any further evidence on appeal. Without documentary evidence to support the claim, the assertions of counsel will not satisfy the applicant's burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaighena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980).

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 termination of the applicant's temporary resident status. On appeal, counsel for the applicant has not addressed the grounds stated for termination, and has not presented additional evidence relevant to the grounds for termination. The appeal must therefore be summarily dismissed.<sup>1</sup>

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<sup>1</sup> The AAO notes that on August 26, 2005, the applicant was charged with a violation of the Texas Transportation Code, *Fictitious Motor Vehicle Inspection Certificate*. On September 28, 2005, the applicant pleaded guilty to the charge, a Class C misdemeanor, and was ordered to pay a fine. (Harris County, Texas, County Criminal Court at Law number 9, case number [REDACTED]) The applicant's one misdemeanor conviction does not constitute an additional basis of ineligibility for temporary resident status.



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