



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

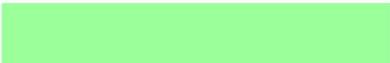
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DATE: **JUN 02 2014**

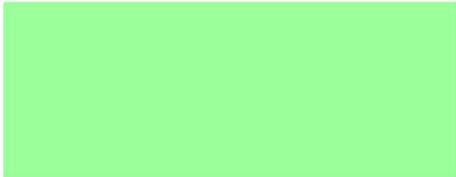
Office: ST. LOUIS

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:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

A handwritten signature in black ink, appearing to read "Ron Rosenberg".

Ron Rosenberg  
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, 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) has been denied, reopened and denied again. The matter is now before the Administrative Appeals Office (AAO) on appeal. The matter will be remanded to permit the director to interview the applicant.

This matter has a long procedural history. On January 1, 2012, the 7<sup>th</sup> Circuit Court of Appeals of the United States sustained the applicant's appeal with respect to his criminal conviction and ordered that the matter be remanded to the AAO to address the issue of whether the applicant has established his continuous residence in the United States for the required period.

The AAO issued a Request for Additional Evidence (RFE). The applicant submitted a timely response. In addition to providing additional evidence in support of his continuous residence during the relevant period, the applicant indicates that he is entitled to an interview pursuant to 8 C.F.R. § 245a.2(j). Accordingly, this matter will be remanded to afford the applicant an interview.

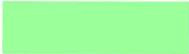
Furthermore, the AAO conducts appellate review on a *de novo* basis. See *Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). The AAO has identified several material inconsistencies with regard to the evidence of the applicant's continuous residence status during the relevant period. These inconsistencies will be discussed below so that the applicant may address them during the interview or in written submission prior to the interview.

1). The applicant filed a Form I-687 Application for Temporary Resident Status on March 20, 1990 in which he indicates that he lived in Dallas, Texas from December 1979 until April 1980. He indicates that he moved to [REDACTED] in St. Louis, Missouri from April 1980 until October 1988. However, the applicant filed a second Form I-687 Application for Temporary Resident Status on November 18, 2005 in which he indicates that he lived at [REDACTED] in St. Louis, Missouri from 1982 until 1985. He also lists the address at [REDACTED] in St. Louis, Missouri from April 1980 until October 1988.

2). The applicant has indicated that [REDACTED] was his care-giver during his late teen-age years and that he lived with Mr. [REDACTED] from 1982 until July 1985. However, in a sworn statement<sup>1</sup> submitted by the applicant in connection with his LIFE Act Form I-485, the applicant indicates that he "moved to Mr. [REDACTED]'s house on [REDACTED] in Maplewood, Missouri." The applicant does not indicate on either Form I-687 that he ever lived on [REDACTED] in Maplewood, Missouri.

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<sup>1</sup> The sworn statement is captioned "amended declaration of [REDACTED] In an affidavit dated July 23, 2009, [REDACTED] stated that the applicant resided with the affiant at [REDACTED] from January 1982 through July 1985.



The matter is hereby remanded to afford the applicant an interview with United States Citizenship and Immigration Services (USCIS) and an opportunity to address the inconsistencies noted above.

It is further noted that an immigration judge determined that the applicant misrepresented his citizenship to gain entry into the United States on April 19, 1995. The applicant is inadmissible pursuant to section 212(a)(6)(C)(i) of the Act. This ground of inadmissible may be waived.

**ORDER:** This matter is remanded for further action and consideration pursuant to the above.