



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

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF R-Z-R-

DATE: AUG. 11, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

APPLICATION: FORM I-687, APPLICATION FOR STATUS AS A TEMPORARY RESIDENT
UNDER SECTION 245A OF THE IMMIGRATION AND NATIONALITY
ACT

The Applicant, a native and citizen of Mexico, seeks status as a temporary resident. See Immigration and Nationality Act (the Act) section 245A, 8 U.S.C. § 1255a and the settlement agreements 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). The Immigration Reform and Control Act of 1986 created a legalization program under section 245A of the Act, which allows eligible foreign nationals who entered the United States before January 1, 1982, and who continuously resided and were physically present in the United States during specified time periods, to adjust status to temporary residence, if they are admissible to the United States and have not been convicted of a felony or three or more misdemeanors in the United States. The application period for temporary resident status ended on May 4, 1988. However, under the terms of the CSS/Newman Settlement Agreements, eligible individuals who did not apply for legalization during the initial application period for certain specific reasons may also adjust status to temporary residence.

In 2002, the Applicant filed a Form I-687. In September 2003, the Service Center Director, Texas Service Center, denied the application. The Director concluded that the Applicant was ineligible for temporary resident status under 8 C.F.R. § 245a.2(c)(1) based on his convictions of three or more misdemeanors. The Applicant filed a subsequent appeal in October 2003. We did not issue a decision on this appeal.¹

¹ In 2006, the Applicant filed a second Form I-687. In 2007, the District Director, Los Angeles, California, denied the application based on the Applicant's convictions of three or more misdemeanors. The Applicant, in an appeal filed in 2007, claimed that that three of his five convictions had been expunged. We dismissed the appeal of the Applicant's second Form I-687 in 2009, concluding that although three of the Applicant's convictions had been dismissed after his successful completion of court ordered probation, the dismissals did not expunge the convictions because of a procedural or constitutional defect in the underlying trial court proceedings. Therefore, the Applicant's five misdemeanors rendered him ineligible for temporary resident status under 8 C.F.R. § 245a.2(c)(1).

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On the Form I-694, Notice of Appeal or Motion, the Applicant indicated that he would file a brief or additional evidence with us within 30 days. Pursuant to 8 C.F.R. § 103.3(a)(2)(vii) and (viii), an affected party may request additional time to file a brief, which is to be submitted directly to us. We have not received additional documents related to this appeal, nor were any statements made on the Form I-694 regarding the reasons for appealing the denial of the Applicant's Form I-687.

8 C.F.R. § 103.3(a)(1) states in pertinent part:

(v) *Summary dismissal.* An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

We find that the Applicant's appeal does not identify any erroneous conclusion of law or statement of fact in the Director's decision. The appeal is therefore summarily dismissed.

ORDER: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of R-Z-R-*, ID# 17585 (AAO Aug. 11, 2016)