



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED]
MSC-06-025-14330

Office: CHICAGO (MILWAUKEE)

Date: AUG 28 2007

IN RE: Applicant: [REDACTED]

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

ON BEHALF OF APPLICANT:

[REDACTED]

APPLICANT COPY

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, 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.

Robert P. Wiemann, 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. [REDACTED] (E.D. Cal) January 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.*, CIV. NO. [REDACTED] C.D. Cal) February 17, 2004 (CSS/Newman Settlement Agreements), was denied by the District Director, Chicago. The decision is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to appear for an interview on November 2, 2006, and did not provide credible evidence of entry and continuous residence in the United States during the requisite period.

On appeal, through counsel, the applicant summarized the reason for the appeal as the improper exercise of discretion. He submitted a brief asserting that the two affidavits submitted previously in support of his application for temporary resident status were sufficient evidence to satisfy the applicant's burden of proof. The applicant did not allege any legal or factual error in the director's decision and he did not submit additional documents. He did not address the director's alternate basis for denial, the failure to appear for an interview.

Any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. 8 C.F.R. § 103.3(a)(3)(iv).

A review of the decision reveals the director accurately set forth legitimate bases for denial of the application, both the failure to appear for an interview and the lack of evidence of the requisite entry and residence in the United States. On appeal, the applicant has not presented additional evidence. Nor has he addressed the two separate bases for denial. The appeal must therefore be summarily dismissed.

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