



U.S. Citizenship  
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Services

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FILE: [REDACTED]  
MSC-05-249-13405

Office: CLEVELAND, OH

Date: DEC 20 2007

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:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has 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. 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 District Director, Cleveland, Ohio. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because he found the evidence submitted with the application was insufficient to establish eligibility for Temporary Resident Status pursuant to the terms of the CSS/Newman Settlement Agreements. Specifically, in his Notice of Intent to Deny (NOID), the director noted that at the time of the applicant's interview with a Citizenship and Immigration Services (CIS) officer on November 28, 2005, he stated that he first entered the United States in the winter of 1982. The director stated that this indicated that the applicant did not establish that he entered the United States prior to January 1, 1982. It is noted here that the regulation at 8 C.F.R. § 245a.2(b)(1) specifies that for applicants to be eligible to adjust status to that of a Temporary Resident, they must establish that they entered the United States prior to January 1, 1982. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. As the applicant failed to submit additional evidence in response to the director's NOID, he did not overcome the director's reasons for denial as stated in that NOID. Therefore, the director denied the application.

On appeal, the applicant states that he entered the United States in 1981. He goes on to say that he entered through Canada with his father at that time. He asserts that he lived continuously in the United States from that time until the present, but notes that he did leave once from April to May of 1995. He goes on to say that his father, who could have testified for him, passed away in 1998. It is noted here that on the applicant's Form I-687, which he signed on May 9, 2005, the applicant indicated that both his mother and his father were alive. The record indicates that at the time of the applicant's interview with a CIS officer in November of 2005 he confirmed that both of his parents were still alive and living in Mali. The applicant did not submit additional evidence in support of his application with his appeal.

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 denial of the application. On appeal, the applicant has not presented additional evidence. Nor has he addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

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