



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
MSC-05-158-10807

Office: NEW YORK

Date: JUL 17 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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, New York, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application on April 14, 2006, finding that the applicant did not provide evidence of continuous residence in the United States during the requisite period. The director also stated in his Notice of Intent to Deny (NOID, dated February 27, 2006), which was incorporated by reference in the final denial, that the applicant, who was nine years old at the time of his claimed entry into the United States in 1981, failed to provide credible affidavits of any adult responsible for his care and financial support at that time and failed to provide any school or health records. The NOID also indicated that during his interview on February 27, 2006, the applicant stated that he had no evidence to establish his claim.

On appeal, the applicant states that he did not receive correspondence requesting additional evidence in support of his application and asks the director to reconsider his decision. He does not, however address the specific basis for denial. He also failed to provide additional evidence other than an affidavit, dated December 6, 2005, from [REDACTED] stating that the affiant has known the applicant since 1981 and considers him to be a good friend. The record does not reflect that this document was submitted previously, though it is dated prior to the interview and the NOID. Regardless of whether it was previously considered, however, it lacks any detail that would make it probative and it does not address the reasons for the denial. The record indicates that the applicant was given an opportunity to submit additional evidence at his interview and that the NOID was mailed to the applicant's current address, also providing an opportunity to submit additional evidence.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal 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 other than a document that lacks any probative value. Nor has the applicant addressed the basis for denial. The appeal must therefore be summarily dismissed.

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