



U.S. Citizenship
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Services

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FILE: [REDACTED] Office: NEW YORK

MSC-05-135-10745

Date: NOV 05 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, New York. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she 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. In her Notice of Intent to Deny (NOID), the director noted that the applicant failed to provide sufficient evidence to prove that he entered the United States before January 1, 1982 and then resided continuously in an unlawful status since his date of entry and until he was turned away by Immigration and Naturalization Services, now Citizenship and Immigration Services (CIS) or the Service, during the original legalization filing period. Specifically, she noted that at the time of the applicant's interview with a CIS officer on January 4, 2006, he testified and then signed a sworn statement in which he testified that after his initial entry into the United States in December 1981, he stayed in the United States for seventeen (17) months before going to Sierra Leone in May 1983. She went on to say that the applicant also testified that he resided in the Ivory Coast for more than two (2) years during the requisite period. The director stated that this indicated that the applicant failed to maintain continuous residence in the United States for the duration of the requisite period. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. Though the director noted that her office received additional evidence from the applicant in response to her NOID, she found that this evidence was insufficient to overcome her reasons for denial as stated in her NOID. Therefore, she denied the application.

On appeal, the applicant states on his Form I-694, Notice of Appeal of Decision, that he needs more time to gather evidence to prove he has lived in the United States since 1981. He indicates that he will submit a brief in support of his application within thirty (30) days. It is noted that the Service received the applicant's Form I-694 on July 24, 2006. As of December 13, 2007 the Service has not received additional evidence or a brief from this applicant. Therefore, the applicant provided no additional evidence or explanation to overcome the reasons for denial of his application.

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.