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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, D.C. 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



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FILE:



Office: NEW YORK Date:

NOV 21 2007

MSC 05 155 11096

IN RE:

Applicant:



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. All documents have been returned
to the office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "R. 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, New York, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

Although the record contains a Form G-28, Notice of Entry of Appearance as Attorney or Representative, authorizing V [REDACTED] of Immigration Community Serv. Corp. to act on behalf of the applicant, neither [REDACTED] nor Immigration Community Serv. Corp. is not recognized as authorized or an accredited representative pursuant to 8 C.F.R. § 292.1(a).¹ As the appeal has been filed by the applicant, the decision will be furnished only to the applicant.

The director determined the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through the date that he attempted to file a Form I-687, Application for Status as a Temporary Resident, with the Immigration and Naturalization Service or the Service, now Citizenship and Immigration Services in the original legalization application period of May 5, 1987 to May 4, 1988. This decision was based, in part, on the district director's determination that the applicant had exceeded the forty-five (45) day limit for a single absence from the United States during the requisite period. The applicant stated that he left the United States in June 1984 until 1995. Therefore, the director determined that the applicant was not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements and denied the application.

On appeal, the applicant does not address the basis for the denial of his application or provide any evidence to overcome the director's findings. The applicant merely states, "I believe it is the interviewing officer who erred in failing to find that I had met the burden of proving my eligibility for the benefit I am seeking."

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. The applicant has failed to address the reasons stated for denial and has not provided any additional evidence on appeal. The appeal must therefore be summarily dismissed.

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

¹ See <http://www.usdoj.gov/eoir/statpub/raroster.htm> for the list of accredited organizations and representatives.