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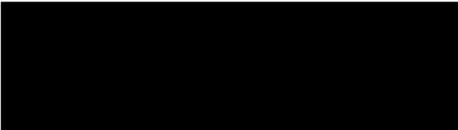
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-05-155-11984

Office: NEW YORK

Date: NOV 23 2007

IN RE: Applicant: [REDACTED]

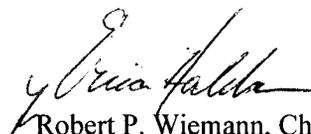
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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. Specifically, in her Notice of Intent to Deny (NOID), the director stated that the evidence he provided in support of his application and the testimony he provided at the time of his interview with a Citizenship and Immigration Services (CIS) officer regarding an absence that occurred during the requisite period did not allow him to establish that he was eligible to adjust status to that of a Temporary Resident. The director granted him thirty (30) days within which to submit evidence in support of his application. Though the director noted that her office received two (2) affidavits from the applicant in response to her NOID, she stated that because these affidavits lacked evidence that the affiants had direct personal knowledge of the events and circumstances of the applicant's residency, did not offer proof that there was a relationship between the applicant and the affiants and did not include proof that the affiants were in the United States during the requisite period, she determined that they were not credible. Therefore, she found the applicant did not overcome her reasons for denial as stated in her NOID and she denied the application.

On appeal, the applicant submits a Form I-694 on which he states that he would like an additional thirty (30) days to submit evidence in support of his application. He indicates on this form that he will submit a brief within thirty (30) days. It is noted here that the applicant signed this form on May 30, 2006. As of November 20, 2007 the Service has not received a brief from this applicant. Further, 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.