

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

L1

PUBLIC COPY

[Redacted]

FILE:

[Redacted]

Office: ORLANDO, FL

Date:

NOV 29 2007

MSC-05-047-17155

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:

[Redacted]

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 Acting Field Office Director, Orlando. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident Under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet, on November 16, 2004. The director determined that the applicant failed to demonstrate that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through the date that his Form I-687 application was considered filed with the Immigration and Naturalization Service or Service (now Citizenship and Immigration Services or CIS) in the original legalization application period of May 5, 1987 to May 4, 1988. 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.

In his Notice of Appeal, filed on August 19, 2007, the applicant did not specify any legal or factual error in the director's decision and did not provide any documentation in support of his claim. His counsel asked for an additional 30 days to submit a brief in support of his application, but has indicated that she did not do so in a facsimile communication with the AAO on November 28, 2007. The record is therefore considered complete.

Any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. 8 C.F.R. § 103.3(a)(3)(iv).

A review of the decision reveals that the director included erroneous conclusions in her decision regarding the significance of the applicant's absences from the United States after the date that his Form I-687 was considered filed with the Service. However, the director also accurately set forth a legitimate basis for denial of the application, noting the applicant's failure to fully disclose his absences and the lack of sufficient credible evidence of entry to and residence in the United States for the requisite period. On appeal, the applicant has not presented additional evidence and has not 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.