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FILE: [REDACTED]
MSC-05-244-14670

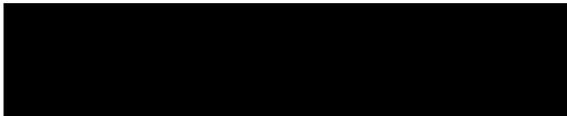
Office: DALLAS, TX

Date: **SEP 14 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:



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, Dallas, TX, and that decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she determined that the applicant did not establish, by a preponderance of the evidence, that he maintained continuous physical presence in the United States from January 1, 1982 to a period of time between May 5, 1987 and May 4, 1988. Specifically, the director noted in her Notice of Intent to Deny (NOID) that she found the affidavits submitted by the applicant to be neither credible nor consistent with each other. In her decision, the director referred to two additional affidavits submitted by the applicant in response to her NOID. Here, the director found that these additional affidavits were not sufficiently detailed to establish, by a preponderance of the evidence, that the applicant had maintained continuous residence in the United States during the requisite period pursuant to 8 C.F.R. § 245a.2(d)(5), 8 C.F.R. § 245a.2(b)(1), and 8 C.F.R. § 245a.2(h).

On his Form I-694 Notice of Appeal of Decision, the applicant indicated that within thirty (30) days of the submittal of that Notice, he would submit a brief, proof of continuous physical presence in the United States during the requisite period and additional evidence. He further stated that he would "correct an error in the CIS decision" with this submission. However, the applicant's Form I-694 was received by the Service on June 7, 2006. On September 4, 2007 the AAO contacted the applicant's attorney of record, [REDACTED] to request any additional information that the applicant would like considered in support of his appeal. On September 4, 2007 the AAO received a fax from the applicant's attorney of record indicating that he did not file a brief or evidence in support of the applicant's appeal. No additional evidence or statements were submitted with the applicant's Form I-694.

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.