

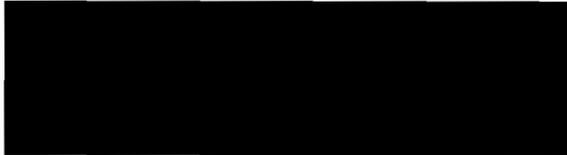
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
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U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]
MSC-05-257-14038

Office: NEW YORK

Date: **APR 17 2008**

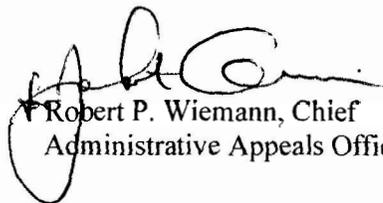
IN RE: Applicant: [Redacted]

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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.


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, she noted that the applicant did not submit evidence that he entered the United States prior to January 1, 1982. She further stated that the applicant was not consistent regarding his absences from the United States during the requisite period. Here, she noted that the applicant claimed during the interview pursuant to his Form I-687 application for temporary resident status on March 9, 2006 that his first absence from the United States was in 1990. However, in his response to the director's Notice of Intent to Deny (NOID) he stated that he was absent for one month in 1987 when he went to Canada. She went on to note that on August 21, 1997 while under oath before an immigration judge, the applicant stated that he resided in Serbia during the requisite period, which was not consistent with what the applicant showed on his Form I-687. The director found the applicant did not meet his burden of establishing by a preponderance of the evidence that he resided in the United States for the duration of the requisite period. Because the applicant did not submit evidence sufficient to meet his burden of proof, the director denied the application.

On appeal, the applicant submitted a Form I-694 Notice of Appeal of Decision dated September 27, 2006 on which he indicated that he would submit a brief in support of his application within thirty (30) calendar days. As of April 3, 2008, the Service has not received a brief in support of the application. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application with his appeal.

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.