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U.S. Citizenship
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APR 21 2008

FILE: [Redacted]
MSC-05-362-17529

Office: NEW YORK

Date:

APR 21 2008

IN RE: Applicant: [Redacted]

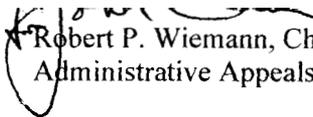
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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, in her Notice of Intent to Deny (NOID), issued May 26, 2006, the director noted that the applicant stated at the time of his interview with a Citizenship and Immigration Services (CIS) Officer on May 16, 2006, that he left the United States in 1982 and did not return to the United States until 1993. The director noted that this constituted a break in the applicant's residency in the United States during the requisite period that exceeded more than forty-five (45) days. The director stated that the evidence submitted by the applicant in support of his application did not overcome this testimony. She further noted that the applicant did not indicate that his return to the United States was delayed due to emergent circumstances that came suddenly into being. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. It is noted here that the NOID was sent to the applicant's address of record. It is also noted that the director's NOID was returned to CIS as undeliverable. In her Notice of Decision, dated July 27, 2006, the director noted that her NOID was returned to CIS. She further noted that the applicant had not submitted further evidence in support of his application. Therefore, the director found he did not overcome her reasons for denial as stated in her NOID and she denied the application.

On appeal, the applicant states that he has lived in the United States for more than twenty (20) years. He goes on to say that he is working in the United States for the sake of his children and that he hopes that he will be able to remain in the United States legally for humanitarian reasons. Though it is clear that the applicant would like to remain in the United States, he did not provide additional evidence or an explanation that is sufficient 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 she 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.