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U.S. Department of Homeland Security
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U.S. Citizenship and Immigration Services

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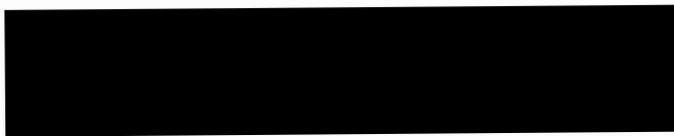


FILE: MSC-05-244-15883

Office: LOS ANGELES

Date: **AUG 21 2008**

IN RE: Applicant:



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, Los Angeles. 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, the director noted that the applicant testified on November 14, 2006 that he was removed from the United States in 1985. The director also stated that the record indicates that he was deported from the United States in 1985. The director cited the Immigration and Nationality Act (Act) § 245A(g)(2)(B)(i), which states in pertinent part that any applicant shall not be considered to have resided continuously in the United States if, during any period for which continuous residence is required, the applicant was outside the United States as a result of a departure under an order of deportation. Because this applicant was outside of the United States during the requisite period as a result of a removal order, the director found that the applicant failed to establish that he resided continuously in the United States for the duration of the requisite period.

On appeal, the applicant states that though he was removed from the United States in 1985, he immediately returned to the United States after that removal. He further states that because he was nervous during his interview, he became confused about dates.

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. Rather, he has confirmed the director's assertion that he was removed from the United States during the requisite period. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.