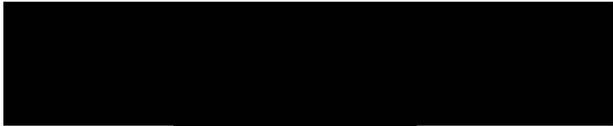


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U.S. Citizenship
and Immigration
Services

PUBLIC COPY



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FILE:



Office: NEW YORK

Date:

DEC 11 2008

MSC 05 138 11748

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.

John F. Grissom, Acting 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 Director, New York. 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 February 15, 2005. Upon review, the director determined that insufficient evidence had been presented to establish eligibility under section 245A of the Act. On February 3, 2006, the director issued a notice of intent to deny (NOID) stating that the applicant had failed to demonstrate his eligibility for temporary resident status under section 245A of the Act. The applicant was granted 30 days from the date of the notice to submit additional evidence in response to the NOID. The applicant failed to submit additional evidence. The director denied the application, finding that the applicant had not provided credible evidence to establish eligibility under section 245A of the Act.

On appeal, the applicant states that he provided all the supporting documentation but never received the NOID. The applicant waived his right to submit a written brief or statement.

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. The applicant on appeal provided no new evidence or explanation to overcome the reasons for denial of his application. The applicant claims that he never received the NOID but his current address on the Form I-694, Notice of Appeal of Decision under Section 210 or 245A is the same address that is on the NOID and the NOID was not returned to Citizenship and Immigration Services as undeliverable. The applicant has not established that his address changed thereby making it impossible to receive the NOID.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant states that he provided supporting documentation but the record of proceeding contains no documentation to support the applicant's Form I-687. The applicant on appeal has not presented additional evidence and has not addressed the grounds stated in the director's denial. The appeal must therefore be summarily dismissed.

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