

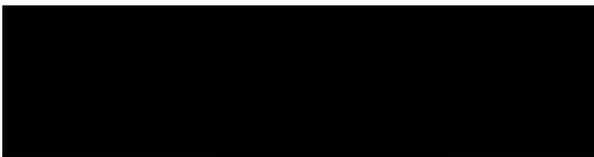


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FILE: [REDACTED]  
MSC-05-005-10068

Office: NEW YORK

Date: DEC 18 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.

  
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 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 submitted evidence that lacked credibility and appeared to be fraudulent, including copies of envelopes that lack a United States postage stamp and an apartment lease allegedly signed by the applicant in 1986 that was printed on a lease form not created until 1987. The director noted that, pursuant to Section 212(a)(6)(C)(i) of the Immigration and Nationality Act, "any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible." Noting the applicant's inadmissibility based upon the misrepresentation, the director denied the application on January 18, 2007.

On appeal, the applicant indicates that he did not receive the Notice of Intent to Deny (NOID) dated December 15, 2006 in which he was notified of the inconsistencies in his application. He requests additional time to submit evidence. It is noted that the NOID was sent to the applicant's address of record on December 18, 2006, and it was returned "unclaimed and unable to forward" by the United States Postal Service on January 10, 2007.

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. In this case, the applicant has not addressed the noted inconsistency or misrepresentation on appeal.

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.