

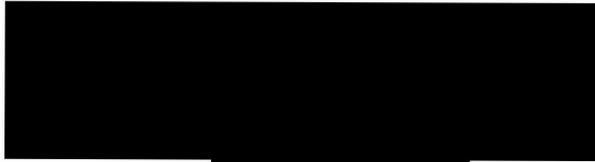
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U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
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U.S. Citizenship
and Immigration
Services

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LI

FILE: [REDACTED]
MSC 04 328 10230

Office: NEW YORK

Date: DEC 19 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 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 August 23, 2004. Upon review, the director determined that insufficient evidence had been presented to establish eligibility under section 245A of the Act. On November 16, 2005, the director issued a notice of intent to deny (NOID) stating that the applicant had not established eligibility for temporary residence under section 245A of the Act. Specifically, the applicant had failed to provide sufficient evidence to establish that he first entered the United States before January 1, 1982 and thereafter resided continuously in the United States in an unlawful status for the duration of the requisite period. The director also determined that the applicant had not established that he was continuously physically present in the United States for the requisite period and admissible as an immigrant. The applicant was granted 30 days from the date of the notice to submit additional evidence in response to the NOID. In response on December 16, 2005, the applicant submitted two sworn affidavits. On March 23, 2006, an interview was conducted in connection with the applicant's Form I-687 application. On July 16, 2006, the director issued a NOID, finding that the applicant had not established by a preponderance of evidence that he had entered the United States prior to January 1, 1982, and thereafter continuously resided in the United States in an unlawful status for the duration of the requisite period. The applicant was granted 30 days from the date of the notice to submit additional evidence in response to the NOID. On August 15, 2006, as the applicant failed to submit additional evidence for consideration, the director denied the application for temporary resident status pursuant to section 245A of the Act.

An appeal was filed on September 12, 2006. On appeal, the applicant resubmits copies of the same affidavits from [REDACTED] and [REDACTED] that were previously submitted with his Form I-687 application. The applicant requests the AAO to reconsider his case.

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 new evidence, however the AAO will consider only evidence that is relevant to the requisite period. The applicant provided no explanation to overcome the reasons for denial of his application.

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 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.