

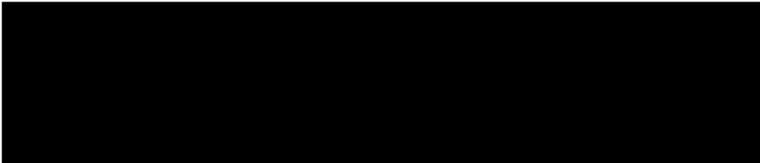
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U.S. Citizenship
and Immigration
Services

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FILE:



Office: HARTFORD

Date:

FEB 07 2008

MSC 05-166-12812

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. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed or rejected, 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.

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, Hartford, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily 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 March 15, 2005. The director denied the application on April 28, 2006, after determining that the applicant had failed to meet his burden of proof by a preponderance of the evidence that he resided in the United States for the requisite period. The director found that the applicant failed to show that he entered the United States prior to January 1, 1982, and maintained continuous residence thereafter.

The director noted that the applicant had failed to establish continuous physical presence in the United States in that he admitted to leaving the country in January of 1988, and not returning to the United States until December of 2002. This part of the director's decision will be withdrawn because the applicant's absence took place subsequent to his aunt's attempt to file his application; and therefore, it would not break his continuous residence.

On appeal, the applicant states that he has submitted affidavits that attests to his having lived in the United States in an unlawful status from May of 1981 to January of 1988, and his returning to Senegal with his aunt until December of 2002. The applicant further states that he is an orphan, that he has no other place to go, and that he would like to contribute to this country's economic development.

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 director's decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented any evidence to overcome the director's decision. Nor has he specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.

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