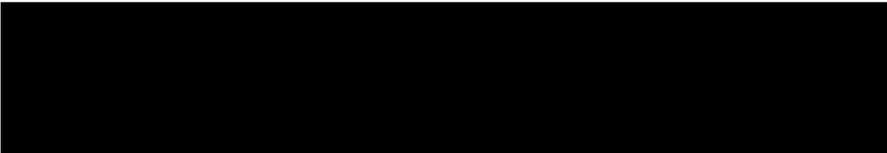




U.S. Citizenship
and Immigration
Services

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prevent clearly unwarranted
invasion of personal privacy

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FILE:

MSC 05-230-12283

Office: NEW YORK

Date: JAN 04 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. 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.

A handwritten signature in black ink, appearing to be "D. G." followed by a stylized flourish.

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, New York, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

An applicant for temporary resident status must establish entry into the United States before January 1, 1982, and continuously residence in the United States since such date, through the date the application is filed. Section 245A(a)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1255a(a)(2).

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 May 18, 2005. The director issued a Notice of Intent to Deny (NOID) to the applicant at his last known address on February 9, 2006. The applicant failed to respond to the NOID. The director denied the application on July 26, 2006, after determining that the applicant had not submitted sufficient evidence to meet his burden of proof, and that he was therefore denying the application for the reasons stated in the NOID.

On appeal, the applicant states that he never received the NOID. The applicant explains that he informed the immigration officer during his interview on February 7, 2005, of his intention to move to the state of Florida. The applicant also states that he informed the United States Postal Service of his new mailing address, and that he retained an immigration attorney who informed him that he had filed the change of address documents for him and his family. The applicant goes on to state that his wife and child are receiving mail at the new address in Florida, but that he and another of his children are still receiving mail at the New York address.

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.

Here, the applicant fails to address the director's concerns. It is noted that there is no evidence in the record to show that the applicant filed an official Change of Address Card with Citizenship and Immigration Services (CIS). It is also noted that the NOID and the director's decision were sent to the applicant's last known address. Although the applicant claims that he informed the immigration officer at the time of his interview of his intentions to move to Florida, there has been no evidence presented to demonstrate that the applicant had a Florida address at that time. Likewise, there is nothing in the record of proceedings to show that the applicant has retained an attorney to represent him in relation to his I-687 application.

A review of the Notice of Intent to Deny and 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 additional 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.