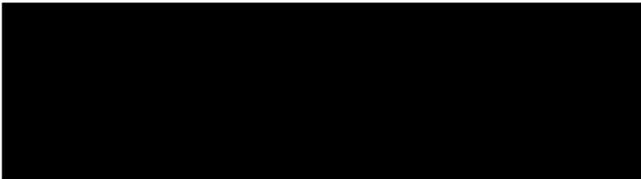


U.S. Citizenship
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Services



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FILE:  Office: CHICAGO Date: **JAN 30 2008**
MSC-06-097-16057

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:


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, Chicago, 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 January 5, 2006. The director denied the application on May 19, 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.

Counsel for the applicant indicated on the Form I-694, Notice of Appeal of Decision under Section 210 or 245A of the Immigration and Nationality Act (Act), that he would be submitting a brief within 30 days of the notice. The appeal is dated June 21, 2006. Counsel did not file a brief as he stated, and on July 21, 2006 he requested that he be given an additional 45 days in which to submit a brief in support of the appeal. Again, counsel failed to file a brief, and on September 20, 2006 he requested an additional 30 days in which to file the brief. To date, there is nothing in the record to show that any further evidence or brief was ever received with regard to this appeal.

It is noted that on January 16, 2008 the AAO faxed counsel for the applicant an order to complete adjudication of this matter. Counsel was informed that he had five business days from the transmission date in which to respond by submitting a brief and/or evidence. To date, counsel has not responded to the facsimile.

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.