



U.S. Citizenship
and Immigration
Services

**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

PUBLIC COPY



41

FILE: [REDACTED] MSC-06-089-16480

Office: FRESNO

Date: **JUL 23 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 Records 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 Director, San Francisco District Office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because he found that the applicant had not resided unlawfully in the United States from before January 1, 1982 until the date he attempted to file for temporary resident status. The director based this determination, in part, on the applicant's statements in his interview with an immigration officer. Specifically, the applicant had stated that he first entered the United States in December 1981 for Christmas, returned to Mexico sometime in 1982, and then came back to the United States in November or December of 1983 for the purpose of residency.

On appeal, the applicant stated that he was nervous during his interview with an immigration officer because his attorney was not present.¹ He stated that he was confused when the officer asked him questions about dates. He stated that he wishes for the opportunity to provide additional documentation that will support the fact that he was present in the United States since 1981. The applicant failed to provide additional documentation on appeal. The applicant indicated on Form I-694 that he would submit a brief within 30 days of filing his appeal. More than one year has passed since the appeal was submitted, and the applicant has failed to provide a brief. Therefore, the record will be considered complete.

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 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. Specifically, the applicant has failed to provide evidence to overcome his statements indicating that he did not reside continuously in the United States throughout the requisite period. The appeal must therefore be summarily dismissed.

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

¹ It is noted that the record contains a Form G-28 Notice of Entry of Appearance as Attorney indicating that the applicant was represented by [REDACTED]. Mr. [REDACTED] submitted a statement to the AAO indicating that he is not representing the applicant before the AAO. Therefore, correspondence in this proceeding will be issued only to the applicant at his address of record.