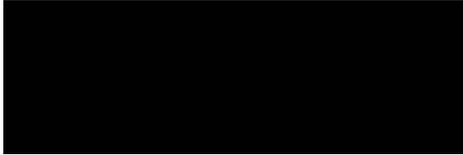


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prevent clearly unwarranted  
invasion of personal privacy**



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Services**

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FILE:   
MSC 04 280 10013

Office: NEW YORK

Date: **JUL 23 2008**

IN RE: Applicant: 

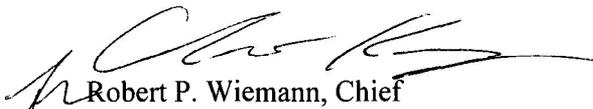
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the  
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:



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.

  
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. That decision is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because the applicant did not establish that he continuously resided in the United States for the duration of the requisite period.

On appeal the applicant indicated that he had never received the Notice of Intent to Deny (NOID) issued in this case, although he subsequently received the decision. The applicant was therefore surprised that the decision stated that the notice of intent to deny had been returned as undeliverable.

The record shows that the envelope in which the NOID was sent is stamped "Unclaimed" by the postal service. The record shows that the NOID was sent to the applicant's address of record, the same address where the applicant subsequently received the decision of denial. Thus, service of that notice was effective pursuant to 8 CFR 103.5a(a)(2)(iv), notwithstanding that the applicant neglected to claim his mail.

The applicant failed, however, to specifically address the director's analysis of the evidence in his submissions on appeal, and did not furnish any additional evidence.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the 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 or 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.