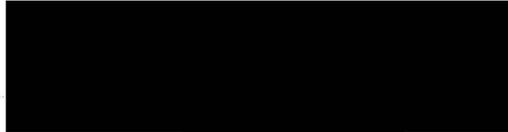




U.S. Citizenship
and Immigration
Services

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

PUBLIC COPY



FILE: [REDACTED]
MSC 05-272-10212

Office: NEW YORK

Date: **JUL 30 2008**

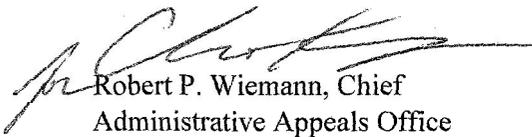
IN RE: Applicant: [REDACTED]

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 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, 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 June 29, 2005.¹ The director denied the application on August 23, 2006, after determining that the applicant had not established by a preponderance of the evidence that he had continuously resided in the United States in an unlawful status for the duration of the requisite period. The director noted that the applicant had failed to overcome the grounds for denial contained in the Notice of Intent to Deny (NOID) dated July 14, 2006. The director also noted that the applicant failed to overcome the fact that he disrupted his continuous residence when he left the United States in March of 1984 and did not return until June of 1984.

On appeal, the applicant asserts that he meets all the requirements for the immigration benefit sought and that his absence from the United States was only for 90 days. The applicant submits no new evidence on appeal.

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 probative evidence. He has admitted to being absent from the United States on one occasion for a period in excess of 45 days. The appeal must therefore be summarily dismissed.

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

The applicant was represented in this proceeding by the attorney [REDACTED] of Irvington, New Jersey. On April 19, 2007, however, [REDACTED] pled guilty and was convicted of fraud and misuse of visas/permits, in violation of 18 U.S.C. § 1546(a). On May 18, 2007, the Board of Immigration Appeals (BIA) granted the petition submitted by the Department of Homeland Security and the Office of General Counsel for the Executive Office for Immigration Review, and suspended the respondent from the practice of law before the Board, the Immigration Courts, and the DHS. A final order of Nov. 8, 2007, expels him from practice before immigration tribunals, effective May 18, 2007. Accordingly, the applicant in this proceeding is considered to be self-represented.