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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: [Redacted] MSC 05 272 11592

Office: BALTIMORE

Date: **JUN 26 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:

[Redacted]

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.

for Michael T. Kelly
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, Baltimore, Maryland. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The director denied the application because the applicant did not establish that he entered the United States before January 1, 1982 in an unlawful status and continuously resided in the United States in an unlawful status since such date and through the date the applicant attempted to file the application. Section 245A(a)(2) of the Act, 8 U.S.C. § 1255a(a)(2). The applicant must also establish that he or she has been continuously physically present in the United States since November 6, 1986. Section 245A(a)(3) of the Act, 8 U.S.C. § 1255a(a)(3). The regulations clarify that the applicant must have been physically present in the United States from November 6, 1986 until the date of filing or attempting to file the application. 8 C.F.R. § 245a.2(b)(1). Although the director indicated that the applicant had not established that he (or his parents on his behalf) had attempted to apply for legalization and that his application was rejected because he had either made a trip outside the United States before May 4, 1988 or had re-entered the United States in a legal nonimmigrant status prior to that date, the director accepted the applicant's class membership when he adjudicated the merits of the application.

On appeal, the applicant asserts that he needs time to research and review information relevant to his application and to provide such information. The applicant indicates that he will dedicate time to this research and review in mid-December to early January 2007. The AAO observes that the director issued the denial decision on October 25, 2006. Citizenship and Immigration Services (CIS) received the applicant's Form I-694, Notice of Appeal Under Section 210 or 245A on November 28, 2006. Although the record contains information regarding the applicant's Form I-765, the applicant's emergency travel document issued on April 19, 2006 from Tanzania, and the applicant's parole into the United States in May 2007 to continue his adjustment of status application, the record does not contain further information pertinent to the applicant's Form I-687 and the applicant's continuous unlawful residence in the United States for the applicable time period. The applicant has not supplemented the record with relevant evidence since the receipt of the November 28, 2006 Form I-694 Notice of Appeal.

As the applicant has failed to specifically address the director's analysis of the evidence regarding his continuous unlawful residence in the United States for the requisite time period and he has not furnished any additional evidence establishing that he entered the United States prior to January 1, 1982 in an unlawful status and continuously resided in the United States in an unlawful status since such date and through the requisite time period, the appeal must be dismissed.

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 relevant additional evidence. Nor has he specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.

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