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U.S. Citizenship
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FILE: [REDACTED]
MSC-05-238-13749

Office: NEW YORK

Date: **MAR 31 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.

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

The director denied the application because the applicant failed to establish by a preponderance of the evidence that he resided in the United States throughout the requisite period. Specifically, the director raised questions regarding whether the applicant had additional absences from the United States during the requisite period that he failed to list on the Form I-687. The director also raised the issue of class membership. Since the director adjudicated the application on the merits, she is found not to have denied the applicant's claim of class membership.

On appeal, the applicant stated that he needed more time to obtain and submit the evidence requested by the director. The applicant stated that his attorney requested additional time on July 7, 2006 to provide supporting documents, and the Notice of Decision was the first response received by the applicant. The applicant stated that he was busy caring from his mother until October 6, 2006 but now has additional time to locate and submit the evidence. The applicant also provided copies of his mother's medical documents and his attorney's statement that had already been submitted. It is noted that the director's decision was issued on September 15, 2006, more than two months after the applicant requested additional time. More than one year has passed since the appeal was filed, and the applicant has failed to provide any new evidence of his residence in the United States during the requisite period or any explanation of the inconsistencies noted by the director. Therefore, the record will now 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. The appeal must therefore be summarily dismissed.

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