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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE:

[REDACTED]

MSC-05-209-10353

Office: NEW YORK

Date: **MAY 21 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. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she found the evidence submitted with the application was insufficient to establish eligibility for Temporary Resident Status pursuant to the terms of the CSS/Newman Settlement Agreements. Specifically, in her Notice of Intent to Deny (NOID), issued May 15, 2006, the director noted that the applicant signed a sworn statement at the time of his interview with a Citizenship and Immigration Services (CIS) officer on December 13, 2005 in which he stated that his first entry into the United States is on or about 1983 and that he further stated that he entered the United States again every year after that from 1983 until 2001. In the director's NOID, she referred to the regulation at 8 C.F.R. § 245a.2(b)(1) which states in pertinent part that to be eligible for adjustment of status to that of a temporary resident, an applicant must establish that he or she entered the United States prior to January 1, 1982 and then resided continuously in the United States in an unlawful status for the duration of the requisite period. Here, as the applicant indicated he did not enter the United States until 1983, he did not establish that he entered the United States before January 1, 1982. The director granted the applicant 30 days within which to submit additional evidence in support of his application. In her Notice of Decision, dated August 27, 2006, the director noted that the applicant failed to timely submitted additional evidence in support of his application in response to her NOID. Because the applicant failed to meet his burden of proving that he entered the United States before January 1, 1982 and then maintained continuous residence for the duration of the requisite period, the director denied his application.

On appeal, the applicant reiterates his claim of having first entered the United States in 1983 and he goes on to say that he was a flight attendant at that time and that he never spent more than five days in the United States from 1983 until 2001. He further states that he has a degree in French Literature and decided to come to the United States after his airlines went bankrupt and he became unemployed.

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 submitted additional evidence that he maintained continuous residence in the United States during the requisite period. The appeal must therefore be summarily dismissed.

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