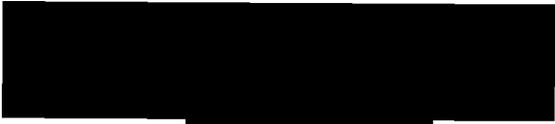


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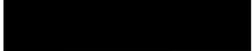


U.S. Citizenship
and Immigration
Services

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FILE: 
MSC-04-272-10194

Office: NEW YORK

Date: **MAY 28 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 Records 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 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 she found that the information provided by the applicant failed to overcome the reasons for denial explained in the Notice of Intent to Deny (NOID). Specifically, the applicant's statements in his interview with an immigration officer conflicted with the statements in his application for temporary resident status. As a result, the director found that the applicant had failed to demonstrate eligibility for temporary resident status.

On appeal, the applicant stated that he provided a timely response to the NOID, in which he provided additional documents in support of his claim of continuous physical presence in the United States. The applicant stated that he entered the United States before January 1, 1982 and was continuously physically present except for a short absence; that the director should have admitted his response; that the director should have exercised her "judicious mind" in denying his application, as there is prima facie eligibility as well as continuous residence and physical presence requirements; that the applicant stated his first entry and physical presence during his interview with an immigration officer; that the director should have taken the applicant's statements in consideration and believed the documents he submitted; and that the director denied his application on mere conjecture without considering the applicant's helpless situation and other supporting documents. As stated above, the director did consider the information provided by the applicant in response to the NOID and found that the information failed to overcome the reasons for denial expressed in the NOID.

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.