

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529-2090
MAIL STOP 2090



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

L 1

FILE: [REDACTED]
MSC-05-294-11476

Office: LOS ANGELES

Date: NOV 12 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 Director, Los Angeles. 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. In her Notice of Intent to Deny (NOID), the director noted that during her interview with a Citizenship and Immigration Services (CIS) officer, the applicant stated that she was absent from the United States from sometime in 1981 to November 1982 and then again from February to November in 1983. The director found that these absences, both of which exceeded 45 days, caused the applicant to fail to establish that she resided continuously in the United States for the duration of the requisite period. It is noted that the applicant did not indicate at the time of her interview that her return to the United States was delayed because of an emergent situation that came suddenly into being. The director granted the applicant thirty (30) days within which to submit additional evidence in support of her application. In her response to the NOID, the applicant stated that she was treated unfairly because Citizenship and Immigration Services (CIS) accepted her application knowing that she did not qualify to adjust to temporary resident status. She therefore asks that her application be granted. The director found that the applicant did not overcome her reasons for the denial of the application.

On appeal, the applicant reiterates her claim that CIS accepted her application knowing that she did not qualify to be granted temporary resident status. She states that this was not fair and asks that CIS grant her application on that basis.

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 she 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.