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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-05-230-11482

Office: NEW YORK

Date: NOV 24 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. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed or rejected, 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.

A handwritten signature in black ink, appearing to read "John F. Grissom".

John F. Grissom, Acting 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, or *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, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application, finding that the applicant had failed to meet the burden of proof by a preponderance of the evidence that he had entered the United States before January 1, 1982 and has resided continuously in the United States in an unlawful status throughout the requisite period. Specifically, the director in her final decision noted that there were multiple inconsistencies regarding the applicant's absence from the United States during the requisite period.

On appeal, the applicant stated that he filed an appeal to correct the director's decision and would submit a brief within 30 calendar days. The record indicates that the applicant provided no additional evidence or explanation to overcome the reasons for denial of his application.

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.

Beyond the director's decision, the AAO finds that the applicant is ineligible for temporary resident status pursuant to section 245A of the Immigration and Nationality Act. The record indicates that the applicant was stopped by immigration officers upon entering the United States without a valid visa through Miami International Airport on September 8, 1995. The applicant then told the immigration officers that he wanted to apply for political asylum in the United States. On November 13, 1995, the applicant testified in his asylum hearing that he lived and worked in India between 1981 and 1995. The immigration judge ordered the applicant removed on January 9, 2002.

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