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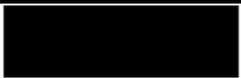
U.S. Citizenship
and Immigration
Services

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FILE:



Office: DETROIT

Date: NOV 24 2008

MSC 06 054 16187

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:

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.

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, 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, Detroit. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet on November 23, 2005. Upon review, the director determined that insufficient evidence had been presented to establish eligibility under section 245A of the Act. On December 16, 2005, the director issued a notice of intent to deny (NOID) stating that the applicant had failed to provide documentation establishing his eligibility for temporary resident status under section 245A of the Act. The applicant was granted 30 days from the date of the notice to submit additional evidence in response to the NOID. The applicant submitted additional evidence on January 19, 2006, outside of the 33 day period allowed by the director. The director denied the application, finding that the applicant had not provided evidence within the time allotted to establish eligibility under section 245A of the Act.

On appeal, the applicant acknowledged that he did not have enough evidence at the time of his interview. The applicant states that he has been a law abiding citizen and is only asking to be able to continue to work in the United States. The applicant waived his right to submit a written brief or statement.

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. The applicant on appeal provided no new evidence or explanation to overcome the reasons for denial of his application.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. Specifically, the applicant failed to provide evidence that he entered the United States prior to January 1, 1982 and continued to reside within the United States in an unlawful status for the duration of the requisite period. The applicant also failed to document his continuous physical presence in the United States from November 6, 1986 through the requisite period. On appeal, the applicant has not presented additional evidence and has not addressed the grounds stated in the director's denial. The appeal must therefore be summarily dismissed.

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