

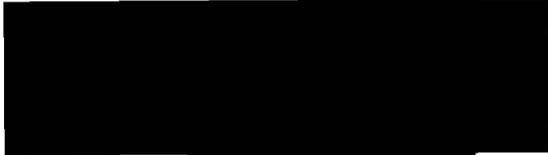


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FILE: [REDACTED]  
MSC-05-285-11758

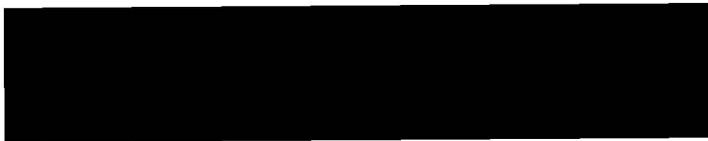
Office: FRESNO

Date: **OCT 07 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:



**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 of the Fresno office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because he found that the applicant is statutorily ineligible for temporary resident status because he first entered the United States in 1997. It is noted that the record contains a Form I-589 Application for Asylum and for Withholding of Removal, submitted on January 26, 1998, which indicates that the applicant first arrived in the United States in 1997.

On appeal, the applicant states that he came to the United States in February 1981 and returned to India in January 1987. The applicant states that the interviewing officer failed to discuss his earlier visits and did not provide an opportunity to submit secondary evidence. The applicant also submitted two affidavits stating that he resided in the United States during the requisite period. However, the applicant fails to explain or provide evidence to directly address his prior statement indicating that he first entered the United States in 1997.

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 that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence that directly relates to the specific ground for denial. Nor has he addressed the grounds stated for denial. Specifically, he has not provided additional evidence to explain and overcome his prior statement noted by the director indicating that he is ineligible for temporary resident status. The appeal must therefore be summarily dismissed.

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