

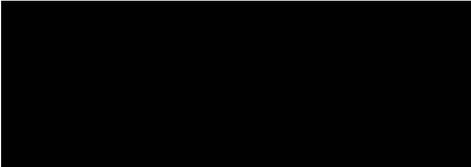
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:



MSC 05 230 30874

Office: NEW YORK

Date:

OCT 14 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: 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 "Robert P. Wiemann".

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

The director denied the application because the applicant did not establish that he continuously resided in the United States for the duration of the requisite period.¹ More specifically, the director found that the applicant's affidavits were insufficiently detailed and lacked identifying information pertinent to the affiants, and were therefore insufficiently credible.

The body of the applicant's Form I-694 appeal reads, in its entirety,

The documents I submitted and my testimony at the interview show that I qualify for the relief that I have applied for. I respectfully request that the appeals unit review my file and reverse the decision of the District Director.

However, the applicant failed to specifically address the director's analysis of the evidence, and did not furnish any additional evidence.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal 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 addressed the grounds stated for denial, nor has he presented additional evidence. The appeal must therefore be summarily dismissed.

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

¹ The director also indicated that doubt existed that the applicant had been "front-desked" and, therefore, that doubt existed pertinent to his eligibility for CSS/Newman class membership. The director then issued a decision on the merits, however, and stated that the applicant was able to appeal the decision to the AAO, rather than to a special master as required by the CSS/Newman settlement agreement in cases denied for failure to qualify for class membership. This office finds, therefore, that the denial on the class membership basis was ineffective, and will treat the decision as a denial for failure to demonstrate continuous residence in the United States as required by section 245A(a)(2) of the Act.