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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
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Services

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FILE: [REDACTED] Office: NEW YORK Date: OCT 14 2008  
MSC-05-272-13789

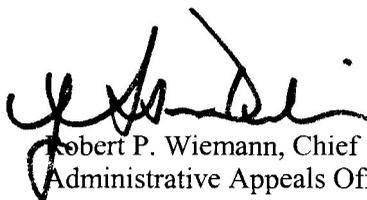
IN RE: Applicant: [REDACTED]

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, New York. 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. Specifically, in her Notice of Intent to Deny (NOID), the director stated that the applicant failed to submit evidence that he entered the United States prior to January 1, 1982. The director further noted discrepancies in the applicant's testimony regarding whether he attempted to file for legalization during the requisite period. The director granted the applicant 30 days within which to submit additional evidence in support of his application. Because the applicant failed to submit additional evidence for consideration in response to the NOID, he did not overcome the director's reasons for the denial of his application as stated in the NOID. Though not noted by the director, the AAO notes that on a Form I-589 Application for Asylum and Withholding of Deportation in the record, submitted by the applicant on July 28, 1995, he stated that he was a student in Senegal and France continuously from 1969 until 1994.

On appeal, the applicant states that he was not able to gather additional evidence within the time period granted to him. He asserts that he did attempt to apply for legalization in 1988 but was turned away because he traveled outside of the United States without advanced parole.

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. The applicant failed to address the director's ultimate reason for the denial of his application, his failure to submit evidence that he entered the United States prior to January 1, 1982. The appeal must therefore be summarily dismissed.

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