



U.S. Citizenship
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Services

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FILE: [REDACTED]
MSC-05-263-12416

Office: NEW YORK

Date: OCT 31 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:

[REDACTED]

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. In her Notice of Intent to Deny (NOID), the director stated that the applicant failed to submit evidence to support his claim that he first entered the United States prior to January 1, 1982. The director specifically noted that the record contained a Form G-325A Biographic Information on which the applicant stated that he resided in Egypt from his date of birth until October 1998, casting doubt on his current claim that he resided in the United States during the requisite period. The director granted the applicant 30 days within which to submit additional evidence in support of his application. In her decision, the director stated though the applicant submitted evidence in response to the NOID, which consisted of a statement from counsel that states that he is submitting additional evidence for consideration no additional evidence was actually submitted with the statement. The director concluded that this statement did not overcome her reasons for denial as stated in the NOID and she denied the application.

On appeal, the applicant states that evidence he previously submitted was sufficient to satisfy his burden of proof and asserts that the director abused her discretion when she denied his application. It is noted that temporary resident status may not be denied as a matter of discretion. It is further noted that there is no evidence that the director denied the application on this basis.

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 director's reasons for the denial of his application. The appeal must therefore be summarily dismissed.

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