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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-06-026-12084

Office: HARTFORD Date: **SEP 29 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:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, 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.


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

The director denied the application because he 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. The director noted that the evidence submitted lacked sufficient detail to establish that the applicant entered the United States prior to January 1, 1982 and resided continuously in the United States throughout the relevant period.

On appeal, the applicant asserts that the “documentation and oral testimony presented in this case was sufficient to warrant favorable exercise of discretion . . . the decision of the district director is arbitrary and not supported by the facts and circumstances of the case.” The applicant did not submit any additional evidence or information on appeal nor did the applicant address the director’s findings.

On appeal, the AAO notes that the director indicates in the decision that the applicant’s three absences from the United States from March 1986 until April 1986, April 1990 until May 2001, and July 2001 until April 2002 constitute “absences in excess of the 180-day limit; they were not brief, casual or innocent.” The AAO notes that an applicant for temporary residence under the CSS/Newman Settlement Agreements need only establish entry into the United States before January 1, 1982, and continuous residence in the United States in an unlawful status since such date and through the date the applicant attempted to file a Form I-687 application or was caused not to timely file.

The applicant shall be regarded as having resided continuously in the United States if at the time the application for temporary resident status is considered filed, as described above pursuant to the CSS/Newman Settlement Agreements, no single absence from the United States has exceeded 45 days, and the aggregate of all absences has not exceeded 180 days during the requisite period unless the applicant can establish that due to emergent reasons the return to the United States could not be accomplished within the time period allowed, the applicant was maintaining a residence in the United States, and the departure was not based on an order of deportation. 8 C.F.R. § 245a.2(h).

The AAO finds that, as explained above, the applicant’s absence from March 1986 until April 1986 was for less than 45 days. The absences from 1990 until 2001 and from 2001 until 2002 fall outside the requisite period and are thus not relevant to establishing eligibility for temporary

residence under the CSS/Newman Settlement Agreements. Accordingly, those portions of the decision regarding residence will be withdrawn.

The applicant provided no additional evidence or explanation to overcome the reasons for denial of her application. 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 addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

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