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

U.S. Citizenship and Immigration Services

PUBLIC COPY

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

L 1

[redacted]

FILE: [redacted] Office: NEW YORK Date: AUG 30 2007

MSC 05-053-10062

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. All documents have 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 or rejected, 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. [redacted] anuary 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.,* CIV. NO. [redacted] February 17, 2004, (CSS/Newman Settlement Agreements) was denied by the District Director, New York, and that decision is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

An applicant for temporary resident status must establish entry in to the United States before January 1, 1982 and continuous residence in the United States since such date through the date the application is filed. Section 245A(a)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1255a(a)(2).

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, the applicant stated in his interview with a Citizenship and Immigration Services (CIS) officer that he lived with his uncle for fifteen (15) years and then subsequently worked in a cinema for another fifteen (15) years and only entered the United States for the first time after that. As the applicant was born in May of 1966, the director concluded that this indicated that the applicant first entered the United States in 1996. The director referred to a sworn statement signed by the applicant that was consistent with his testimony provided during his interview. Though the applicant provided affidavits as evidence of his residency during the requisite period, the director found that this evidence did not overcome the statements made and sworn statement provided at the time of the applicant's interview.

On appeal, the applicant submitted a statement. In this statement, the applicant asserts that he received the director's Notice of Intent to Deny (NOID) on August 29, 2005 when he was out of the country. He appears to go on to say that he was unable to respond to the NOID within thirty (30) days because he was out of the United States when it was issued. No additional evidence or explanation to overcome the reasons for the denial of his application was provided with the applicant's Form I-694.

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, relevant evidence. Nor has he specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.

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