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FILE: [REDACTED]
MSC-05-326-11842

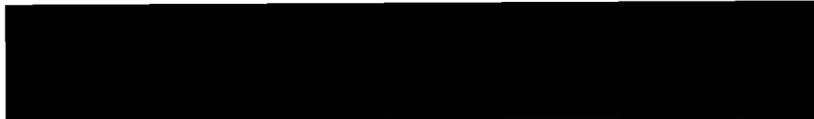
Office: NATIONAL BENEFITS CENTER

Date: APR 21 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:



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, National Benefits Center. That decision is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application on July 31, 2006, because the applicant has not established by a preponderance of the evidence that he entered into the United States before January 1, 1982, and continuously resided in the United States in an unlawful status since such date and through the date the application is filed. *See* Section 245A(a)(2) of the Act, 8 U.S.C. § 1255a(a)(2). The director noted that the applicant's response to the notice of intent to deny the application on December 13, 2005 requested an extension of time to submit evidence; however, no evidence was submitted by the time the director issued his decision to deny more than seven months later.

On appeal, counsel asserts only that the applicant qualifies for temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements. Counsel indicates in the appeal statement that he would submit a written brief within 30 days of the appeal. The appeal was filed on August 30, 2006. To date no brief has been submitted.

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 presented additional 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.