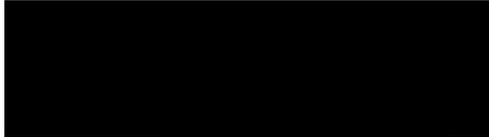


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prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
MSC-04-262-10021

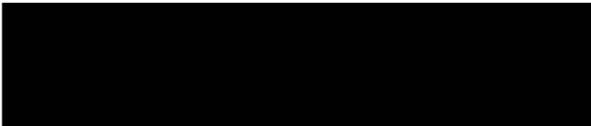
Office: NEW YORK

Date: **DEC 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:



**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.

A handwritten signature in black ink, appearing to read "John F. Grissom".

John F. Grissom, Acting 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 applicant failed to establish his eligibility for temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements. Specifically, the director stated that at the time of the applicant's interview with a United States Citizenship and Immigration Services (USCIS) officer regarding his Form I-687 application, the applicant stated under oath that he was absent from the United States from 1982 until November 1986. The director also noted that other evidence in the record confirmed that the applicant was absent from the United States during those years. As this constitutes a break in continuous residency during the requisite period, the director found the applicant failed to establish he was eligible to adjust to temporary residence status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, the applicant states that he would like his case reviewed and indicates that he will submit a brief within 30 calendar days. However, the applicant submitted this statement on March 17, 2006 and, as of the date of this decision, no brief or additional evidence has been received by the applicant. Therefore, the record will be considered complete.

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.