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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

Office: SAN FRANCISCO (FRESNO)

Date: **JUL 24 2008**

MSC 06 075 12116

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 District Director, San Francisco. That decision is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The director denied the application because the applicant entered the United States on January 10, 1978 as a J-1 nonimmigrant exchange visitor under Program No. G-2-0263 sponsored by the United States Agency for International Development. Under that program, the applicant was determined to be subject to the provisions of Section 212(e) of the Immigration and Nationality Act (Act), requiring the applicant to reside in his or her country for two years following completion of the program in the United States before he or she may be admitted into the United States. On August 26, 1998, the applicant applied for a waiver of the two-year foreign residence requirement. The applicant's request for waiver was denied. Thus, the director determined that the applicant was inadmissible to the United States and was not eligible for temporary resident status. The director denied the application for status as a temporary resident.

On appeal, counsel states no basis for the appeal, but indicates that a brief will be filed in support of the appeal within 30 days. To date, no brief has been received. Thus, the record is deemed complete and the case ripe for adjudication.

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. Legalization applicants must establish admissibility as an immigrant, Section 245A(a)(4)(A) of the Act. Pursuant to 8 C.F.R. § 245a.2(b)(4), J-1 nonimmigrant exchange visitors must show that they are either not subject to foreign residence requirements, or that they have fulfilled such requirements, or received a waiver. 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.