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



U.S. Citizenship
and Immigration
Services

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FILE:

MSC-06-040-12388

Office: MIAMI

Date:

JUL 28 2008

IN RE:

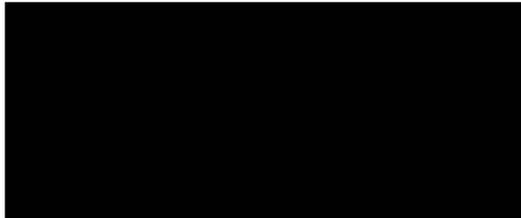
Applicant:



APPLICATION:

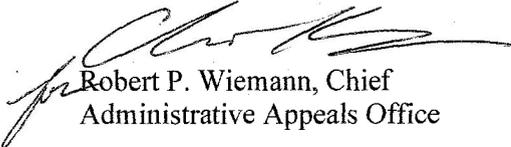
Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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 District Director, Miami. 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 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, in her Notice of Intent to Deny (NOID), issued July 25, 2006, the director noted that the applicant failed to provide evidence that he entered the United States before January 1, 1982 and then resided continuously in an unlawful status since his date of entry and until he was turned away by Immigration and Naturalization Service (INS), now Citizenship and Immigration Services (CIS) during the original legalization filing period; that he was continuously physically present in the United States from November 6, 1986 until he attempted to file for legalization during the original filing period; or that he was admissible as an immigrant. The director granted the applicant 30 days within which to submit additional evidence in support of his application. In her Notice of Decision, dated September 5, 2006, the director noted that the applicant submitted additional evidence in support of his application that indicated that he was employed at Celtic Dry Cleaners beginning in 1981. However, her office determined that this business did not begin its operations until 1983. Therefore, the director found this evidence was not credible and she denied his application.

On appeal, the applicant submits a Form I-694 Notice of Appeal of Decision on which he states that he has submitted his case to the Special Master because his class membership was denied.

However, it is noted that the director decided the case on its merits rather than making a determination that the applicant was not a class member.

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 grounds stated for denial. The appeal must therefore be summarily dismissed.

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