



U.S. Citizenship
and Immigration
Services

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FILE:



Office: LOS ANGELES

Date: JUN 23 2008

MSC 05 295 12109

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:

SELF-REPRESENTED

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 "Robert P. Wiemann".

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, or *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, Los Angeles, California, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The district director concluded that the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988. The district director also concluded that the applicant had not established that he was eligible for class membership pursuant to the CSS/Newman Settlement Agreements, and thus was not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements. Although the director noted that the applicant had not established his class membership, the director also addressed the merits of this matter when determining that the applicant had not established that he had continuously resided in the United States for the requisite time period. The director's adjudication of the merits of the application is tantamount to finding that the applicant is a class member.

A review of the record reveals that the district director issued a notice of intent to deny to the applicant on November 17, 2005, stating that the applicant failed to provide documentation establishing that he was eligible for temporary resident status as required by the applicable statutes, regulations, and settlement agreements. The director provided the applicant 30 days to submit additional written evidence or information to remedy the perceived deficiency prior to denying the application. The applicant was interviewed by Citizenship and Immigration Services (CIS) on October 6, 2006.

On appeal, the applicant notes that he does not have any family or anywhere to go and that he has a nine month-old son and he would like to be involved in his child's life. He requests reconsideration of his case. The record does not contain additional documentation. The applicant fails to specifically address the director's analysis of the evidence regarding his continuous residence in the United States for the requisite time period on appeal. The AAO is unable to identify a basis for the appeal.

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 associated with this matter. Nor has he specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.

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