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U.S. Citizenship
and Immigration
Services

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FILE:



MSC 06 095 12256

Office: SAN DIEGO

Date: NOV 24 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:

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 "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, San Diego. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet on January 3, 2006. Upon review, the director determined that insufficient evidence had been presented to establish eligibility under section 245A of the Act. On February 17, 2006, the director issued a notice of intent to deny (NOID) and requested further evidence of the applicant's continuous residence throughout the requisite period. On January 18, 2007, the applicant was interviewed regarding his I-687 application and a request for evidence (RFE) was hand delivered to the applicant for additional evidence. The applicant was asked to provide evidence documenting his continuous residence and physical presence in the United States during the requisite period and employment with [REDACTED] and [REDACTED] in Oceanside. On February 13, 2007, the applicant submitted further documentation in response to the director's request for evidence. The director denied the application, finding that the applicant had not provided credible evidence to establish that he resided in the United States for the requisite period.

On appeal, the applicant states that the director made an error in his decision. The applicant states that during his I-687 interview he was asked to submit additional evidence which he submitted personally to the Chula Vista office on February 14, 2007. The applicant resubmits this same documentation with his appeal. The applicant requests the AAO to reconsider the director's decision.

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. The applicant on appeal provided no new evidence or explanation to overcome the reasons for denial of his application.

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 and has not addressed the grounds stated in the director's denial. The appeal must therefore be summarily dismissed.

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