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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]
MSC-05-224-10426

Office: NEWARK

Date: NOV 26 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:

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. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed or rejected, 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.

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, 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 Director, Newark, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application, finding that the applicant had failed to prove eligibility for temporary resident status pursuant to Section 245A of the Immigration and Nationality Act (Act). Specifically, the director found that the applicant stated in his interview with a United States Citizenship and Immigration Services (USCIS) examiner that he departed the United States for 72 days between May 31, 1987 and August 11, 1987 and attempted to file for "legalization" in 1992. The record indicates that the applicant's claim of absence from the United States in 1987 is consistent with his declaration in which he said that he left the United States in May 1987 to visit his parents and came back to the United States after two months in August 1987. The director also noted other grounds for the applicant's ineligibility for legalization. In the notice of intent to deny (NOID), the director advised the applicant to submit any evidence that would overcome the grounds for denial. No other documentation was submitted, and the director issued her final decision denying the application.

On appeal, the applicant claims to have not received the director's NOID and states that he could have complied with the director's request to provide him with additional evidence had he received the NOID. The applicant also asks the AAO to send him a copy of the director's NOID and to resume processing his Form I-687 application for temporary resident status.

The record reflects that USCIS sent the NOID to the applicant at his address of record on August 11, 2006. The applicant provides no additional evidence or explanation to overcome the reasons for denial of his application.

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.