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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 05 132 11106

Office: NEW YORK

Date: FEB 27 2009

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. 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, New York, New York. The decision is now before the Administrative Appeals Office 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, and a Form I-687 Supplement, CSS/Newman (LULAC) Class Membership Worksheet. The director denied the application because the applicant did not establish that he continuously resided in the United States for the duration of the requisite period. In so finding, the director noted that the applicant had failed to submit documentation in response to his Notice of Intent to Deny (NOID), which was sent to the applicant on September 2, 2005. In the NOID, the director stated, in part:

In reviewing the I-687, part 32 "Absences from the United States Since Entry", you confirmed under oath that you traveled to Bangladesh to visit family from October 1987 to December 1987. This trip exceeded forty-five (45) days and does not qualify as an emergent trip. It represents a clear break in the continuous residence and physical presence requirement.

On appeal, the applicant states that he was residing "unlawfully i.e. illegal and without a social security number." He also states that he was living "with sublet" and therefore was unable to maintain records in his name. The applicant asserts that "Regarding I-687, part 32 absences from the United States from October 1987 to December 1987. Unfortunately it was typing error. The correct date will be November 28, 1987 to December 24, 1987 (11/28/87 to 12/24/87) i.e. total less than 45 days."

The applicant did not furnish any additional evidence.

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 the denial of the application. The applicant's appeal is frivolous because he has not presented additional documentation for consideration or provided evidence to support his assertions about his trip abroad in late 1987. The appeal shall therefore be summarily dismissed.

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