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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:

[Redacted]
MSC-05-279-10614

Office: LOS ANGELES

Date:

MAY 14 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. 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, Los Angeles, 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's testimony during the interview was inconsistent with his application and the evidence submitted. Further, the application was denied because the applicant failed to provide credible evidence to establish his continuous residence in the United States throughout the requisite period.

On appeal, the applicant claims that the director failed to issue a Notice of Intent to Deny (NOID) in violation of Paragraph 7 of the CSS/Newman Settlement Agreement. Consequently, the applicant contends that he has been denied an opportunity to submit rebuttal argument addressing any perceived deficiencies in his application.

Upon review, the AAO notes that the director has adjudicated the merits of the application and treated the applicant as a class member. Further, the denial of the application was not based on the applicant's lack of class membership. Therefore, the director has properly followed the CSS/Newman Class Settlement Agreement which only requires the director to issue a NOID if the application will be denied for failure to establish class membership.

Additionally, the record reflects that the director issued a NOID on November 17, 2005 and further issued a Form I-72 requesting the applicant to provide additional evidence on April 18, 2007. In response to the director's request for additional evidence, the applicant submitted his children's birth certificates and an unsigned statement indicating that he could not produce additional evidence to substantiate his claim of continuous residence in the United States since before January 1, 1982. On appeal, no additional evidence has been submitted to address or explain the inconsistencies in the record as stated by the director.

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 addressed the grounds stated for denial, nor has he presented additional evidence relevant to the grounds for denial or the stated reason for appeal. The appeal must therefore be summarily dismissed.

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