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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



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FILE: [REDACTED]
MSC-05-232-10239

Office: ATLANTA

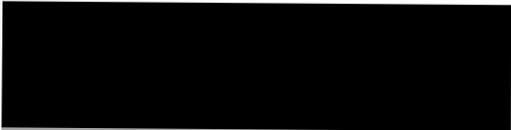
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SEP 10 2009

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:



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.

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

The director denied the application because 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 director stated that the applicant did not provide sufficient evidence to meet his burden of proof to establish his eligibility for the benefit sought.

On appeal, the applicant, through counsel asserts that he has established his continuous unlawful residence for the requisite time period. Counsel argues that the affidavits in the record of proceeding establish the applicant's presence in the United States during the requisite period. As noted in the director's denial, the record of proceeding contains no affidavits. In the denial, the director listed the evidence contained in the record of proceeding supporting the application and stated that the decision was based on the evidence in the record of proceeding.

Counsel also argues that the director improperly indicated that the AAO has jurisdiction over this appeal because the director denied the applicant class membership. The director did not deny the application for class membership. Instead, the director, based on the applicant's class membership, adjudicated the application for temporary residence on the merits. Therefore, the appeal is properly before the AAO.

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 that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented any new evidence of his entry into the United States or his continuous residence during the requisite period. The applicant fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the application. Nor has he specifically addressed the basis for denial. As the applicant presents no additional evidence relevant to the grounds for denial, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(3)(iv).

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