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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:



Office: HOUSTON

Date: **JAN 11 2010**

MSC 05 343 10492

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. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, 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.

Perry Rhew  
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, Houston, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The director determined that the applicant had not established that he resided in the United States in a continuous unlawful status from before January 1, 1982 through the date of attempted filing during the original one-year application period that ended on May 4, 1988. The director noted that the applicant failed to respond to a November 2, 2006 notice of intent to deny (NOID). In the NOID the director listed four three-month absences to which the applicant testified under oath during his interview on October 21, 2006. The director determined, therefore, that the applicant could not establish the requisite continuous residence as he had single absences that exceeded 45 days, and 180 days aggregate for all absences.

On appeal, the applicant asserts, generally, that the director failed to adhere to the regulations in evaluating his application. The applicant does not submit additional evidence on appeal.

The applicant states that he did not receive the director's notice of intent to deny (NOID). On October 16, 2009, the AAO mailed a copy of the NOID to the applicant at his address of record at [REDACTED] and afforded the applicant thirty (30) days to respond. However, the record does not reflect a response from the applicant. The record does not reflect that either the director's NOID, or the AAO letter with a copy of the NOID, were returned as undeliverable. Therefore, the record must be considered as complete.

Any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. 8 C.F.R. § 103.3(a)(3)(iv). 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 additional evidence and has not addressed the primary basis for denial. The appeal must, therefore, be summarily dismissed.

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