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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
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[REDACTED]

FILE:

[REDACTED]

Office: SAN DIEGO

Date: JUL 07 2010

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.


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. [REDACTED] (E.D. Cal) January 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.*, CIV. [REDACTED] (C.D. Cal) February 17, 2004 (CSS/Newman Settlement Agreements), was denied by the director of the San Diego office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because he found the evidence submitted with the application was insufficient to establish eligibility for Temporary Resident Status pursuant to the terms of the CSS/Newman settlement agreements. The director stated that the applicant submitted unverifiable affidavits, and that no other evidence of record established his unlawful residence in the United States during the requisite period.

On appeal, the applicant requests a reconsideration of the director's denial, and states that he will submit more proof at a rescheduled appointment.

The record reflects that the applicant was scheduled for an interview on December 15, 2006. The applicant requested in writing on December 18, 2006 that the director reschedule his appointment. The regulation at 8 C.F.R. § 103.2(b)(9) requires that if an applicant is required to appear for an interview, he may appear as requested by the director, or prior to the date and time of the interview, request that the interview be rescheduled. As the applicant failed to timely request a rescheduling of his interview and failed to appear as requested by the director, the director properly denied the application.

On appeal, the applicant fails to specifically address the director's analysis of his evidence and does not furnish any additional relevant evidence. 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 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.