



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
MSC-05-046-12219

Office: NEW YORK

Date: DEC 20 2007

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. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case 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.

Robert P. Wiemann, 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 District Director, New York. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she 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. Specifically, in her Notice of Intent to Deny (NOID), the director noted that the applicant stated in his interview with a Citizenship and Immigration Services (CIS) officer on March 27, 2006 that he left the United States for four (4) months in 1986. The record contains a sworn statement taken from and signed by the applicant on the date of his interview in which he confirms this absence. It is noted here that applicants for Temporary Resident Status must establish that they resided continuously in the United States from a date prior to January 1, 1982 through the date they attempted to file for legalization during the original filing period, which was from May 5, 1987 to May 4, 1988 pursuant to the regulation at 8 C.F.R. § 245a.2(d)(5). The regulation at 8 C.F.R. § 245a.2(h)(1)(i) goes on to say that to be considered to have resided continuously in the United States, an applicant can have no single absence during the requisite period that was more than forty-five (45) days. Here, the applicant's four (4) month absence exceeds forty-five (45) days. Because of this, the director found that the applicant failed to establish, by a preponderance of the evidence that he resided continuously in the United States for the duration of the requisite period. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. As the applicant failed to submit additional evidence, he did not overcome the director's reasons for denial as stated in her NOID. Therefore, she denied the application.

On appeal, the applicant states that he previously submitted documents in support of his application. He asks that his application be reconsidered. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application.

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 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.