



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-05-231-13163

Office: NEW YORK

Date: DEC 26 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's absence from the United States from March 3, 1987 until May 1987 constituted a single absence of more than forty-five (45) days during the requisite period. The director referred to the regulation at 8 C.F.R. § 245a.2(h)(1)(i), which specifies that to be considered to have maintained continuous residence in the United States, no single absence can have exceeded forty-five (45) days during the requisite period unless an applicant can establish that his or her return to the United States could not be accomplished within the time period allowed due to emergent reasons. Here, the director found that the applicant's absence caused her to fail to maintain continuous residence in the United States. The director granted the applicant thirty (30) days within which to submit additional evidence in support of her application. As the applicant failed to submit additional evidence in response to the director's NOID, the director found she had not overcome her reasons for denial. Therefore, she denied the application.

On appeal, the applicant states that she submitted documents in support of her application before she attended her interview. She states that she never received the director's Notice of Intent to Deny (NOID). It is noted here that the director sent the NOID to the applicant's address of record by certified mail. The record does not show that this NOID was returned as undeliverable. It is further noted that the address to which the director's NOID was sent continues to be the applicant's address of record. The applicant requests that Citizenship and Immigration Services (CIS) reconsider her application. The applicant provided no additional evidence or explanation to overcome the reasons for denial of her 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 she 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.