

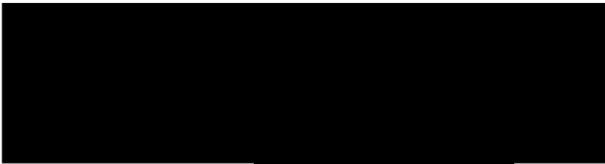


U.S. Citizenship  
and Immigration  
Services

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LA



FILE: [REDACTED]  
MSC-05-264-14005

Office: CINCINNATI

Date: JUL 24 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. All documents have 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 or rejected, 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, Cleveland, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

An applicant for temporary resident status must establish entry into the United States before January 1, 1982, and continuous residence in the United States in an unlawful status since such date and through the date the application is filed. Section 245A(a)(2) of the Immigration and Nationality Act (Act), 8 U.S.C. § 1255a(a)(2).

The director denied the application because during the applicant's interview he testified under oath that he first entered the United States in 1986. Therefore, the applicant failed to establish continuous residence in the United States during the requisite period.

On appeal, the applicant did not address the specific basis for denial nor did he provide additional evidence. The applicant stated on his Form I-694, Notice of Appeal, "[t]he reason why I am appealing is that [b]asically, I fled my country CAR in 1996 because of politique [sic] racial per[s]ecution [a]fter being arrested and tortured by the former ruling regime[.] I am scared to be killed once back to my country [sic]. I am asking for applying asylum [sic] because I need protection from your authorities." The applicant submitted with his Notice of Appeal a written statement entitled "Application for Asylum."

The applicant failed to address the director's basis for denial of his Form I-687, Application for Status as a Temporary Resident. The applicant has instead made a request for asylum using the Form I-694, Notice of Appeal. The Form I-694 is used to file appeals of special agricultural worker and legalization applications and termination of lawful temporary resident status under sections 210 and 245A of the Act. *See* 8 C.F.R. § 103.3(3)(ii). An asylum applicant must file a Form I-589, Application for Asylum and Withholding of Removal, together with any additional supporting evidence in accordance with the instructions on the form. 8 C.F.R. § 208.3(a).

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 basis for denial. The appeal must therefore be summarily dismissed.

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