

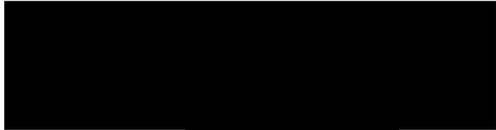
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
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U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]
MSC-06-026-14195

Office: LOS ANGELES

Date: **AUG 29 2008**

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:



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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 Director, Los Angeles District Office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she found that the applicant had not established by a preponderance of the evidence that he had continuously resided in the United States in an unlawful status for the duration of the requisite period. Specifically, the director stated that the applicant had indicated in a sworn statement in the Spanish and English languages during his interview with an immigration officer that he first entered the United States in January 1984.

On appeal, counsel stated that the director denied the application for temporary resident status because the applicant did not speak sufficient English to answer questions in his interview with an immigration officer. Neither the record nor the director's decision supports counsel's assertion. Counsel also provided information regarding the applicant's Form I-700 Application for Temporary Resident Status as a Special Agricultural Worker (SAW program) (Receipt Number [REDACTED]). The record indicates that the AAO dismissed the applicant's prior appeal related to his application under the SAW program on November 13, 1997. Counsel indicated that a legal brief would be submitted within 30 days after receiving the response to the request under the Freedom of Information Act (FOIA request). The record indicates that the FOIA request was processed on May 23, 2008. More than 30 days have passed since the request was fulfilled, and counsel has failed to submit a brief or additional evidence. Therefore, the record will be considered complete.

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. Specifically, the applicant has failed to explain his statement in Spanish indicating that he first entered the United States in January 1984. The appeal must therefore be summarily dismissed.

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