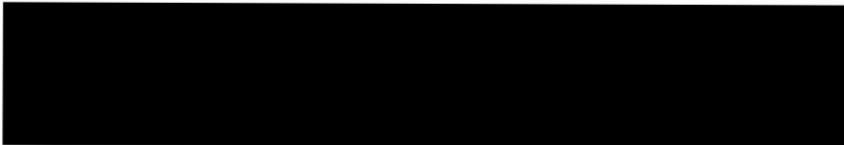


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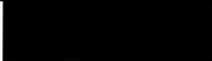
U.S. Citizenship
and Immigration
Services

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FILE:



Office: DENVER

Date: **AUG 29 2000**

MSC 06 097 11423

IN RE: Applicant:



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.

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, Denver, Colorado. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

On December 18, 2006, the director denied the application, citing numerous inconsistencies amongst the applicant's oral testimony, the applicant's sworn statement, and the affidavits submitted from third parties. The director found that the record did not contain sufficient consistent credible information to establish that the applicant had continuously resided in the United States from prior to January 1, 1982 to May 4, 1988 or the date the applicant attempted to file the application.¹ The director concluded that the applicant had not met his burden of proof and was, therefore not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, counsel for the applicant asserts that the applicant's submission of his written affidavit and other documentation in response to the director's Notice of Intent to Deny (NOID) the application was to clarify any confusion regarding his residential and work history. Counsel notes that the applicant asserts that during the applicable time period, the longest he has been outside the United States on a single occasion is 40 days in 1986 and the longest he has been outside the United States taking into account all the times he has been outside the United States is 130 days in the aggregate. The applicant does not submit new documentation.

The AAO observes that the director considered the evidence submitted in response to the NOID prior to issuing his decision and found that the information submitted did not clarify the applicant's residential and work history during the applicable time period. Neither the applicant nor counsel specifically addresses the director's analysis of the evidence regarding the applicant's entry into the United States prior to January 1, 1982 and his continuous residence in the United States for the requisite time period on appeal. The AAO is unable to identify a basis for the appeal.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal 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 set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence associated with this matter. Nor has he specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.

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

¹ The AAO observes that the director also found that the applicant had not established his eligibility for class membership; however as the director adjudicated the merits of the application, this matter is not properly before the AAO on appeal.