



U.S. Citizenship
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Services

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FILE:

MSC-05-147-10114

Office: NEW YORK

Date:

DEC 12 2009

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.

John F. Grissom, Acting 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, 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, the director noted that at the time of the applicant's interview with a United States Citizenship and Immigration Services (USCIS) officer regarding his Form I-687 application, the applicant stated that his first entry into the United States was in 1988, indicating that he did not enter and then begin to reside in the United States prior to January 1, 1982, as is required by the regulation at 8 C.F.R. § 245a.2(d)(5). Therefore, the director found that the applicant failed to establish that he was eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, the applicant states that more evidence is available and will be submitted soon. However, the applicant made this assertion in March of 2006. Counsel for the applicant was afforded the opportunity to submit additional evidence in support of the application by the AAO on November 14, 2008. He was provided with five business days within which to do so. However, as of the date of this decision, the AAO has not received additional evidence in support of the application. 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 director's reasons for the denial of his application. The appeal must therefore be summarily dismissed.

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