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U.S. Citizenship
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Services

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FILE: MSC-05-231-16575

Office: NEW YORK

Date: FEB 22 2008

IN RE: Applicant: [Redacted]

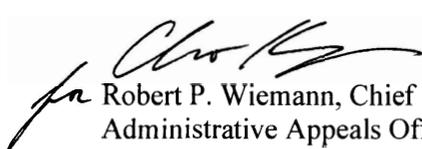
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

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 Director, New York 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 information submitted by the applicant was insufficient to overcome the grounds for denial expressed in the Notice of Intent to Deny (NOID). In the NOID, the director indicated the applicant had not met his burden of establishing that he resided in the United States throughout the requisite period. The director mistakenly stated that the applicant had failed to establish that he resided in the United States from January 1, 1982 to May 4, 1988, instead of from prior to January 1, 1982 until the date the applicant attempted to file for temporary resident status. It is noted that the record indicates the applicant failed to provide any evidence of having resided in the United States between January 1, 1982 and September 1985.

On appeal, the applicant again failed to provide any evidence that he resided in the United States between January 1, 1982 and September 1985. The applicant stated that he entered the United States in June 1981 and departed after one month, when he learned that his mother was seriously ill. After being reminded of American culture and government, the applicant decided to return to the United States on August 15, 1985. The applicant has lived in the United States for more than 20 years. He was injured repeatedly in the workplace and is now partially disabled. He is unsure if he has any other options, because he is not an immigration professional.

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 provide additional evidence that he resided continuously in the United States. In fact, the applicant has reaffirmed that he was absent from the United States for nearly four years during the requisite period. The applicant also made no claim and provided no evidence that, due to emergent reasons, his return to the United States could not be accomplished within the time period allowed. The appeal must therefore be summarily dismissed.

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