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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC 05 330 10591

OFFICE: NEW YORK

Date: JUL 10 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. All documents have been returned to the National Benefits Center. If your appeal was sustained, or if the matter 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 District Director, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet. The director determined that the applicant failed to respond to the previously issued notice of intent to deny (NOID) dated July 17, 2006 in which the director incorporated the applicant's statements made at an interview with a Citizenship and Immigration Services officer on March 29, 2006. Specifically, in the NOID, the director referred to the applicant's admission that he departed the United States in December 1982 and did not return to the United States until January 15, 1986. The director found that the applicant's prolonged absence was not caused by an emergent reason and concluded that such absence interrupted any unlawful residence that may have been accrued prior the applicant's departure. In light of the applicant's failure to respond to the adverse findings regarding his eligibility, the director denied the application on the basis that the applicant did not overcome the grounds for denial as cited in the NOID.

On appeal, the applicant claims that he is eligible for temporary resident status and states that he has submitted sufficient evidence to support his claim. However, the applicant makes no attempt to address the issue of his prolonged absence, which ultimately served as the basis for the director's denial, and makes no specific claim that he has continuously resided in the United States from prior to January 1, 1982 until the lapsing of the statutory period.

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. The appeal must therefore be summarily dismissed.

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