



U.S. Citizenship
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FILE: [REDACTED]
MSC-04-321-10573

Office: NEW YORK

Date: JUL 18 2008

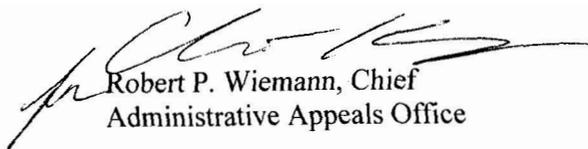
IN RE: Applicant: [REDACTED]

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 on your appeal. You no longer have a case pending before this office. If your appeal was sustained or the matter was remanded for further action, your file has been returned to the office that originally decided your case, and you will be contacted. If your appeal was dismissed or rejected, your file has been sent to the National Benefits Center. You are not entitled to file a motion to reopen or reconsider your case.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The District Director, New York, denied the application for temporary resident status filed 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). The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant had provided contradictory evidence under oath regarding his residence in the United States since prior to January 1, 1982 through the date his application was considered filed pursuant to the CSS/Newman Settlement Agreements. The director specifically noted that the applicant's testimony during his June 2, 2006 interview with United States Citizenship and Immigration Services (CIS) contradicted the information provided on his Form I-687 Application, filed on August 16, 2004, regarding where and when he resided in the United States and when he had traveled outside the United States, and when he was married. She also compared that information to contrary information provided by the applicant on a Form G-325A, Biographic Information, submitted in 1993, in which the applicant indicated that he was married in 1985 in the Gambia and resided in Senegal from March 1988 to May 1990. The director concluded that these misrepresentations and lack of evidence in support of his application rendered him ineligible for adjustment of status under section 245A of the Immigration and Nationality Act (Act).

In his Notice of Appeal, the applicant fails to address the contradictions noted by the director. Instead he claims that he did not receive the Notice of Intent to Deny (NOID) that the director referred to in her final decision and he, therefore, did not have an opportunity to provide additional evidence in support of his application. The record reflects that CIS issued a NOID on May 3, 2007 and sent it to the applicant's address of record, which remains his current address. The AAO notes that there is no requirement under section 245A of the Act or the CSS/Newman Settlement Agreements that a NOID be issued, although it is common practice to provide an applicant with such notice in advance of a final decision. In this case, a NOID was issued, and the applicant was again advised of the grounds for denial in the final Notice of Decision. The decision to deny the application was not based on failure to respond to the NOID, but on the contradictions in the record that were enumerated by the director. The applicant had the opportunity to address the basis for denial on appeal and failed to do so. The applicant did not address the reasons given by the director for denying the application, did not specify any legal or factual error in the director's decision, and did not provide any additional documentation to establish his eligibility.

Any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. 8 C.F.R. § 103.3(a)(3)(iv). 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 and has not addressed the basis for denial. The appeal must therefore be summarily dismissed.

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