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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-05-173-10290

Office: NEW YORK Date: NOV 24 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:

[REDACTED]

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.

[Handwritten signature]

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 District 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, noting that the evidence submitted lacked sufficient detail to establish that the applicant entered the United States prior to January 1, 1982 and resided continuously in the United States throughout the relevant period.

Specifically, the director noted Citizenship and Immigration Services (CIS) sent the applicant a Notice of Intent to Deny (NOID) his application on February 3, 2006. The record of proceedings indicates that the NOID was sent to the same address used by the applicant on appeal. On March 9, 2006 the director received the NOID back from the United States Postal Service stating "Return to Sender Unclaimed." On appeal, the applicant indicates that he "never received the notice of intent to deny." The applicant did not indicate that his address had recently changed or provide any further evidence or explanation.

On appeal, it is noted that the NOID stated that the applicant failed to submit sufficient evidence of continuous residency in the United States for the requisite period. Specifically, the director noted that the applicant submitted two affidavits.

The first affiant, [REDACTED] indicated that she met the applicant in 1981 when he was working as an apprentice to [REDACTED] a tailor. She does not indicate how she dates her initial acquaintance with the applicant, how frequently she saw the applicant, where he resided during the requisite period, or any other relevant details.

The second affiant, [REDACTED] indicated that he was introduced to the applicant by a girlfriend in the summer of 1987 while the applicant was looking for a permanent place to live. This affidavit is not probative because it contradicts the applicant's Form I-687 where he indicates his first address in the United States to be [REDACTED] from 1986 until 1998.

The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application or to further support his claims of continuous residency for the requisite 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 addressed the grounds of denial or his failure to respond to the NOID. The appeal must therefore be summarily dismissed.

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