

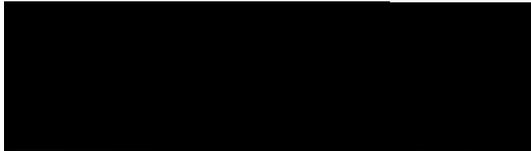
**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



41

FILE: [REDACTED]
MSC-05-214-10266

Office: NEW YORK

Date: **SEP 29 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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have 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 District Director, New York. The decision 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 on May 2, 2005. In a Notice of Intent to Deny (NOID) issued by the director on April 24, 2006, the director noted that the applicant was interviewed by Citizenship and Immigration Service (CIS) officers on February 27, 2006 in connection with his legalization application. During that interview, the applicant indicated that he had been absent from the United States for over 45 days and had failed to establish that his return had been delayed due to an emergent reason.

Specifically, the record indicates that the applicant indicated, "I first entered the United States in August or September 1981 from Canada to New York without inspection. I resided at [REDACTED] with friends for a few days then I moved to stay with other friends at [REDACTED] until 1984. I left the United States for the first time in the middle of 1984 to go to Bangladesh to visit my family. My uncle died at that time. I remained in Bangladesh for about five years until I reentered the United States on February 4, 1989 with a visitor's visa."

The director, therefore, concluded that the applicant had not resided continuously in the United States for the requisite period and was not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, counsel for the applicant asserts that "the immigration officer made errors in considering all the documents submitted with the original file as well as with the notice of intent to deny, therefore, the denial demands judicial review." The applicant does not submit any additional evidence on appeal, or address the director's grounds for denial.

The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application. 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 stated for denial. The appeal must therefore be summarily dismissed.

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