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APR 14 2009



FILE: MSC-05-130-10536

Office: NEW YORK

Date:

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. 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.

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 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 he 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. Specifically, the director noted that the applicant indicated on his Form I-687 that he entered the United States with a friend in 1981, at the age of six. He further noted that the applicant submitted several affidavits which were inconsistent. Several of the affiants provided no details regarding their relationship with the applicant. Two affiants indicated that the applicant worked for them in 1981 and 1983. The director noted that this was not credible since the applicant was only six years old in 1981. The director issued a Notice of Intent to Deny (NOID) on June 27, 2005 in which he indicated these inconsistencies and provided the applicant an opportunity to respond. The applicant failed to address the inconsistencies or to provide any additional evidence or information in support of his eligibility. Thus, given the paucity of credible evidence in the record, the director denied the application on April 3, 2007.

On appeal, the applicant indicates only that he needs extra time to submit a response. He fails to submit any additional evidence or explanation which would establish his entry to the United States in an unlawful status prior to January 1, 1986 or his continuous residence in the United States for the duration of 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 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.