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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals  
Washington, DC 20529-2090



U.S. Citizenship  
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[REDACTED]

FILE: MSC-05-179-13851

Office: NEW YORK

Date: APR 23 2009

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.

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 claimed in his May 16, 2006 interview with United States Citizenship and Immigration Services (USCIS) that he entered the United States for one week in 1984 and then returned to the Ivory Coast. He further indicated that he did not return to the United States until 1990. Noting that this testimony makes the applicant statutorily ineligible for adjustment to temporary resident status, the director denied the application on May 2, 2007.

On appeal, the applicant indicates that he disagrees with the decision and that he has been living in the United States unlawfully since 1984. As explained by the director, the applicant must establish by a preponderance of the evidence that he has been residing continually in the United States in an unlawful status since a date prior to January 1, 1982. Thus, the applicant, by his own admission, is ineligible for the benefit sought.

Beyond the decision of the director, it is also noted that the applicant was ordered removed from the United States based upon a final order by the Board of Immigration Appeals, dated July 27, 2001. He was deemed deportable pursuant to Section 241(a)(1)(B) of the Immigration and Nationality Act (Act).

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.