

PUBLIC COPY

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



U.S. Citizenship
and Immigration
Services

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

LI



APR 30 2009

FILE: MSC 05 194 11272 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 applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, and a Form I-687 Supplement, CSS/Newman (LULAC) Class Membership Worksheet. The director denied the application because the applicant did not establish that he continuously resided in the United States for the duration of the requisite period.

Although a Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted, the individual named is no longer authorized under 8 C.F.R. § 292.1 or 292.2 to represent the applicant. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

The body of the applicant's Form I-694, Notice of Appeal of Decision Under Section 210 or 245A, reads, in its entirety:

As per your notice of decision dated April 5, 2007, I would like to request an appeal in this matter. You mention that I was notified on a February 27, 2007 Notice of Intent to Deny (NOID) but I did not receive any letter from the U.S. Department of Homeland Security.

However, I would like to submit some other documents to establish my case for an application for status as a temporary resident under Section 245A of the Immigration and Nationality Act.

Please grant me an additional 30 calendar days to submit other documentation. Thank you for your consideration and your cooperation is greatly appreciated.

On appeal, the applicant stated that he would submit brief and/or additional evidence to the AAO within 30 days; however, he has not done so. Therefore, the record is considered complete.

The applicant can not effectively argue that he did not receive the director's NOID and the information it contained because it was sent to his address of record and it is his responsibility to receive his mail at that address. It is noted that the NOID was also sent to former counsel.

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 that the director accurately set forth a legitimate basis for the denial of the application. On appeal, the applicant has not addressed the grounds stated for denial, nor has he presented additional evidence. The appeal shall therefore be summarily dismissed.

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