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U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: [Redacted]
MSC-05-264-11580

Office: LOS ANGELES

Date: JAN 29 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.

A handwritten signature in black ink, appearing to read "John F. Grissom".

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, Los Angeles. 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. Specifically, the director noted that the applicant indicated in his October 23, 2006 interview with United States Citizenship and Immigration Services (USCIS) that he initially entered and departed the United States in 1981, not returning until May 1982. Noting this fact and the paucity of credible evidence in the record which would establish the applicant's eligibility for the benefit sought, the director denied the application on January 24, 2007.

On appeal, the applicant correctly indicates that USCIS erred in mailing the original copy of the Notice of Denial, dated January 24, 2007, to the wrong zip code. Thus, the applicant was not able to file a timely appeal following the January 24, 2007 notice date. The AAO is aware of this error and has accepted the appeal as timely filed. However, the applicant does not state any substantive grounds for appeal of the application. He does not provide any additional evidence or information which would support his claim of eligibility, nor does he address the director's assertion that he was not continuously present in the United States during the relevant 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.