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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC 05 306 12776

Office: DENVER

Date: **JAN 30 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:

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.

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, Denver, Colorado. The decision is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because at his interview, the applicant acknowledged that he had not been turned away from filing a legalization application during the relevant time period. The director also noted the applicant's claim that he first entered the United States in February 1982, which was subsequent to the beginning of the requisite period. The director determined that the applicant had not continuously resided in the United States in an unlawful status since before January 1, 1982.

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

I have sent additional evidences I believe your Dept. didn't get a chance to review before reaching a final decision. I am working toward the gathering of more evidences if required.

The applicant submits a letter from [REDACTED] at the Jamaica Hospital Medical Center dated March 30, 2006, indicating the applicant was treated for hypertension and chest pains on May 8, 1983 at the facility. However, this document has no bearing on the director's reasons for denial.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that 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 presented additional evidence or specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.

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