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

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FILE:

MSC 06 046 19254

Office: MISSOURI SERVICE CENTER 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:

[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, Lee's Summit, Missouri. The decision is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

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. In so finding, the director noted that none of the evidence including the affidavits submitted by the applicant attests to his residence prior to 2002.

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

My application was denied because the evidence that I submitted were insufficient to prove my eligibility for the temporary permanent resident based on the Life Act. I disagree with you office's findings. In addition to evidence submitted I am also ready to testify under oath of my presence. I was never scheduled for a hearing and am asking the Service to please give me a second chance to adjust my status.

It is noted that the applicant filed his Form I-687, Application for Status as a Temporary Resident Under Section 245A of the Immigration and Nationality Act, along with a Form I-687 Supplement, CSS/Newman (LULAC) Class Membership Worksheet. He did not file his application for consideration under section 1104 of the LIFE Act as he indicates on appeal. Also, the applicant argues that he was never scheduled for a "hearing" before receiving the director's determination. Although an applicant is required appear for a personal interview (hearing) as scheduled by the regulations at 8 C.F.R. § 245a.2(e)(1)(iii), United States Citizenship and Immigration Services is not obligated to schedule such an interview where, as in this case, there are no issues that need clarification.

The applicant failed to specifically address the director's analysis of the evidence, contradictions between the applicant's assertions and the evidence and did not furnish any additional evidence. Also, he failed to submit proof of his identity as required by 8 C.F.R. § 245a.2(d)(1).

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal 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 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.