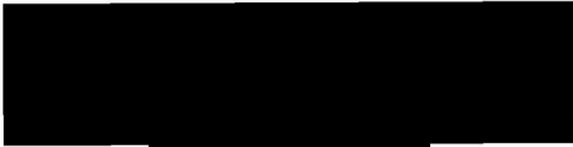


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FILE: [REDACTED] Office: NEW YORK
MSC 05 202 12402

Date: **JUL 24 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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, 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.

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, New York. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application on June 8, 2007, because the applicant did not establish that he continuously resided in the United States for the duration of the requisite period.

The applicant, through counsel, filed an appeal from the director's decision on June 15. On appeal counsel provides a brief statement asserting that the director did not give due weight to the affidavits he submitted. In support of the appeal, counsel resubmits photocopies of two affidavits previously provided that were considered by the director in her decision to deny the application.

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 denial of the application. On appeal, the applicant has not presented any new. Nor has he specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 245a.2(d)(5) of the Act.

It is noted that the record reflects the applicant has been arrested for the following offenses:

On December 20, 1989 for (1) INVALID USE OF CRDIT was convicted in New York of the following violations: VTL 511.2, for which he was fined \$500 and sentenced to 60 days; VTL 509.1, for which he was fined \$50 and sentenced to 15 days; and, 275.35 and 275.35(2), for which he was fined \$300 and sentenced to 90 days.

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