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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

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[Redacted]

FILE:

[Redacted]

Office: NEW YORK

Date:

MAY 14 2009

MSC 06 250 21481

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, New York. That 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. Specifically, the director stated that the applicant was notified of the United States Citizenship and Immigration Services (USCIS) intent to deny (NOID) his application on April 24, 2007. The director noted that the applicant presented evidence in response to the NOID, but that the evidence was insufficient to overcome the grounds set forth for denial in the NOID. The director questioned to validity of affidavits submitted when the affiants claim to have knowledge of the applicant's residence in the United States prior to the time that USCIS records indicate that those affiants were in the United States.

On appeal, counsel submits a brief stating simply that the applicant arrived in the United States prior to January 1, 1982 and was thereafter prevented from applying for legalization between May 5, 1987 and May 4, 1988. Counsel states that the applicant has submitted affidavits in support of his claim and that the proof submitted by the applicant is the only proof available, although the evidence referenced by counsel is not discussed or detailed by him relative to the director's denial. Counsel asks that USCIS accept the appeal and reconsider its adverse decision for humanitarian reasons, and to accept the evidence of record as grounds for reversing the director's decision.

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. The applicant did not specifically address the basis of the director's denial (that the evidence submitted did not establish the applicant's residence in the United States for the duration of the requisite period) nor did he present additional evidence in support of the appeal. The appeal must therefore be summarily dismissed.

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