



U.S. Citizenship
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FILE: [REDACTED] Office: SALT LAKE CITY
MSC-05 323 10580
MSC-07 204 11143 – APPEAL

Date: **OCT 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.

Perry J. Rhew
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 in Salt Lake City, Utah. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant, a native of Guatemala who claims to have lived in the United States since before January 1, 1982, submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman (LULAC) Class Membership Worksheet on August 19, 2005.¹ The director denied the application, finding that the applicant had not established by a preponderance of the evidence that he had continuously resided in the United States in an unlawful status and was continuously physically present in the United States from before January 1, 1982 through the requisite periods. The applicant timely submitted an appeal.²

On appeal, the applicant does not allege any legal or factual error in the director's decision, and does not address the evidentiary discrepancies cited by the director in the Notice of Denial (NOD). The applicant has not submitted new evidence bearing on the grounds for denial discussed in the decision. As of the date of this decision, no additional evidence has been submitted, and the record will be deemed complete.

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.

¹ The record reflects that the applicant filed a Form I-589 (Request for Asylum in the United States) and an accompanying Form G-325A (Biographic Information) on January 21, 1994. On both forms, the applicant indicated his first entry into the United States was in November 1993. Also at his removal proceedings before the Executive Office of Immigration Review (EOIR) in April 1995, the applicant testified under oath before the Immigration Judge (IJ) that he entered the United States in November 1993. The applicant did not testify of any entry and continuous residence in the United States prior to his documented entry of November 1993. In that proceeding, the applicant was denied asylum and was granted voluntary departure from the United States.

² The record reflects that after filing a Form I-694 (Notice of Appeal of Decision under Section 210 or 245A) on April 20, 2007, the applicant applied for a reinstatement of the IJ's voluntary departure order which, was granted on November 19, 2007. The record further reflects that on November 27, 2007, the applicant voluntarily left the United States to Canada. The applicant provides his contact information in Canada. There is no record showing the applicant returned to the United States following his departure in November 2007.

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 addressed the grounds stated for denial, and has not cited any error(s) in the decision nor has he presented additional evidence relevant to the grounds for denial or the stated reason for appeal. The appeal must therefore be summarily dismissed.

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