



U.S. Citizenship
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FILE: [REDACTED]
MSC-05-237-22052

Office: NEWARK

Date: **SEP 14 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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed or rejected, 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, or *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, Newark, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application, finding that the applicant had failed to submit sufficient credible evidence to show that he entered the United States before January 1, 1982 and had thereafter resided continuously in the United States until the date he or his parent filed or attempted to file the application for temporary resident status. The director further found the applicant ineligible for the benefit sought as the applicant stated during the interview that he left the United States in 1983 and did not return until 1997.¹ She held that the applicant's absence from 1983 to 1997 broke his continuous residence in the United States during the requisite period.

On appeal, counsel for the applicant asserts that the applicant is eligible for temporary resident status but presents no additional evidence to address or rebut the director's finding concerning the applicant's absence from the United States between 1983 and 1987.

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.

A review of the decision reveals 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, 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.

¹ The AAO notes that the applicant's Form I-687 conflicts with the Form G-325A, where the applicant states that he resided continuously in Brazil from birth through 1998.