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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

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U.S. Citizenship
and Immigration
Services



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FILE: [REDACTED]
MSC 06 044 10417

Office: DENVER

Date:

SEP 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:



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, 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, Denver, Colorado, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director terminated the applicant's status because the applicant had not demonstrated that he was eligible for Temporary Resident Status. The director determined that the applicant had failed to submit sufficient evidence to establish that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988. The director also noted that the applicant stated that he did not apply for legalization as an alien who entered the United States prior to January 1, 1982, but he had applied for the Seasonal Agricultural Worker legalization program.

On appeal, counsel for the applicant asserts that the director erred in denying the application because the director failed to issue a Notice of Intent to Deny (NOID). According to counsel, the applicant was not afforded an opportunity to address perceived deficiencies in his application. Counsel does not submit additional evidence on appeal.

It is noted, however, that on October 5, 2006, the applicant appeared for an interview, and at that time the director issued a Form G-56, notifying the applicant to appear for a scheduled interview on November 16, 2006, and requesting that the applicant provide evidence, including evidence of his continuous residence, to establish his eligibility for temporary resident status. On December 12, 2006, the director issued another notice of scheduled interview, and again, the director requested that the applicant provide evidence. In that notice the director highlighted the request to provide evidence that the applicant entered the United States prior to January 1, 1982 and that he had resided continuously in an unlawful status until May 4th 1988, or later. The director specifically notified the applicant that failure to provide the requested evidence may result in the denial of his application. Clearly, contrary to counsel's assertion, the director gave the applicant ample notice of the deficiency that forms the primary basis for the denial of his application for temporary residence.

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 the decision. On appeal, the applicant has not presented additional evidence. Nor has he addressed the grounds stated in the denial notice. The appeal must therefore be summarily dismissed.

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