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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



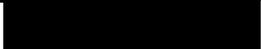
U.S. Citizenship
and Immigration
Services

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FILE:



Office: BALTIMORE

Date: **MAR 01 2010**

MSC 06 089 10016
MSC 08 326 12706-APPEAL

IN RE:

Applicant:



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.

Perry 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, Baltimore. The decision is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, and a Form I-687 Supplement, CSS/Newman (LULAC) Class Membership Worksheet. 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.

On appeal, counsel states the director erred in denying the appellant's Form I-687. Counsel further states the applicant did establish eligibility for temporary resident status. Counsel submits an affidavit from [REDACTED] dated June 20, 2008 in support of the application.

In her notarized statement, signed by her and her husband, [REDACTED] states she knows the applicant has resided in the United States since 1981. This notarized statement conveys essentially the same information that she provided in her notarized statements dated May 8, 2002, December 17, 2005 and December 27, 2007, that the applicant submitted for the record and which have already been considered by the director. No additional evidence has been submitted on appeal.

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 that the director accurately set forth a legitimate basis for the denial of the application. On appeal, the applicant has not addressed the grounds stated for denial, nor has he presented additional evidence. The appeal shall therefore be summarily dismissed.

On November 28, 1988, the applicant applied for admission into the United States from Pakistan at Miami International Airport in Florida using the passport and nonimmigrant visitor visa of another person. He was interviewed by an Immigration Inspector concerning his request to be admitted to the United States. His interview was recorded on a Form I-263W, Record of Sworn Statement-Witness, which he signed on November 28, 1988. At his interview, he stated that he had never been to the United States and that he was a student permanently residing in Pakistan. The applicant's Form I-275, Notice of Visa Cancellation/Border Crossing Card Voidance, contains his request that he be permitted to withdraw his application for admission and to be returned abroad. The record reflects he was removed from this country on Lufthansa Flight [REDACTED] departing from Miami International Airport on November 29, 1988.

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