

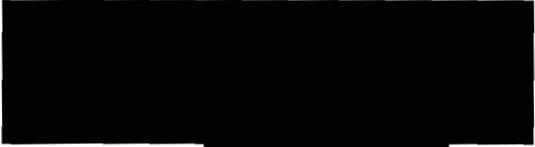
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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
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FILE: MSC-05-211-10301

Office: HOUSTON

Date: MAY 04 2010

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.



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, Houston. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she found the evidence submitted with the application was insufficient to establish eligibility for Temporary Resident Status pursuant to the terms of the CSS/Newman settlement agreements. Specifically, in a Notice of Intent to Deny (NOID) issued to the applicant at her address of record on December 3, 2007, the director noted that the applicant indicated at her January 2, 2006 interview with United States Citizenship and Immigration Services (USCIS) that she first entered the United States in October 1981 until 1986 when she returned to Nigeria for two years. Thus, the director indicated that the applicant did not reside in the United States during the entire relevant period.

On December 31, 2007, the applicant submitted a statement affirming the applicant's absence from the United States between 1986 and 1988, along with an updated address of record. A Notice of Denial (NOD) was sent to the applicant on April 8, 2008, however, it was sent to the applicant's former address. The failure to send the NOD to the address of record did not harm the applicant since it merely incorporated the NOID and on appeal, the applicant had a chance to offer a rebuttal of the director's decision.

On June 3, 2008, the applicant, through counsel, submitted a brief, along with an appeal and the appropriate fee. Counsel for the applicant requested a copy of the Notice of Denial and indicated that he would submit a brief in support of the appeal within 30 days following receipt of the NOD. The applicant failed to submit any additional information or evidence in support of her application.

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 presented additional evidence. Nor has she addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

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