

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

L1

FILE:

Office: SAN FRANCISCO

Date:

IN RE:

Applicant:

MAR 30 2011

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

The applicant filed a Form I-687 Application for Temporary Resident Status on January 4, 2006. On December 7, 2006, the director denied the application, in part, because the applicant failed to appear for a scheduled interview, without providing notice or cause to United States Citizenship and Immigration Services (USCIS). The director further noted that the applicant failed to submit evidence that he entered the United States prior to January 1, 1982 or that he resided continuously in the United States throughout the relevant period. The director noted that the applicant did not list any residence or employment history on his Form I-687. The director concluded that the application was abandoned and the applicant was not provided with appeal rights.

On September 29, 2010, USCIS informed the applicant that pursuant to a recent court order, applications for temporary resident status may not be denied based on abandonment. The applicant was informed that he was entitled to file an appeal with AAO which must be adjudicated on the merits.

The AAO conducts appellate review on a *de novo* basis. See *Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). The applicant filed the instant appeal. The AAO notes that the director informed the applicant in the Notice of Decision (NOD) that he failed to submit sufficient evidence of either his entry to the United States prior to January 1, 1982 or his continuous residence throughout the relevant period. The director also noted that the applicant did not list any residential address or employment in the United States on his Form I-687. However, on appeal, the applicant does not address the insufficiency of the evidence submitted. He does not provide any additional evidence or information that would support his 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 applicant was properly notified of the deficiencies contained in the record which relate to his eligibility for legalization benefits. On appeal, the applicant has not presented additional evidence. Nor has he 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.