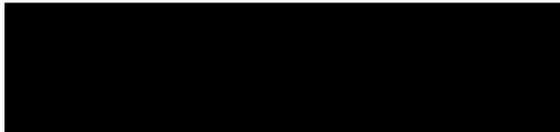


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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W., MS 2090  
Washington, DC 20529-2090  
**U.S. Citizenship  
and Immigration  
Services**



**PUBLIC COPY**



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Date: **MAY 05 2011**

Office: NEW YORK

File:



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:

SELF-REPRESENTED

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 Stipulation of Settlement in the class action *Northwest Immigrant Rights Project, et al vs. USCIS, et al*, 88-CV-00379 JLR (W.D. Was.) (NWIRP), was denied by the Director, New York. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record indicates that the applicant filed a Form I-687 Application for Temporary Resident Status on February 23, 2009. The director subsequently issued a Notice of Intent to Deny (NOID) indicating that the applicant failed to provide evidence of his eligibility for class membership under the NWIRP Settlement Agreement, and failed to establish his continuous residence in the United States for the duration of the relevant period. On October 30, 2009, the director denied the application noting that the applicant failed to appear for a scheduled interview, without providing sufficient notice or cause to United States Citizenship and Immigration Services (USCIS). Thus, the director indicated that the application was abandoned.

The applicant was subsequently informed by USCIS 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. That appeal is now before the AAO.

The AAO conducts appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). Following *de novo* review, the AAO finds that one of the grounds cited by the director for denial of the applicant's Form I-687 was in error. Specifically, applications for temporary resident status may not be denied based on abandonment. However, following *de novo* review, the AAO finds that the director also denied the application based on the applicant's failure to provide sufficient evidence of his eligibility. The applicant was given an opportunity to submit additional evidence of his continuous residence in the United States in the NOID and he failed to do so.

On appeal, the applicant indicates that he was unable to attend his interview because he was sick. However, he fails to address the additional grounds for denial of the application, the lack of sufficient evidence of his continuous 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 denial of the application. 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.