

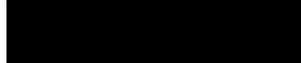


U.S. Citizenship  
and Immigration  
Services



L1

DATE: NOV 26 2012 Office: NATIONAL BENEFITS CENTER

FILE: 

IN RE: Applicant: 

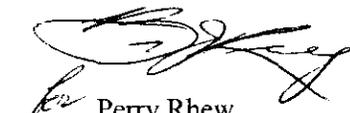
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the  
*Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a*

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.



for 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 of the National Benefits Center. 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 November 28, 2005. Subsequently, the director denied the application noting that the applicant failed to respond to a request for additional evidence from United States Citizenship and Immigration Services (USCIS). Thus, the director indicated that the application was abandoned.

USCIS subsequently informed the applicant that, pursuant to a recent court order, applications for temporary resident status may not be denied based on abandonment. He 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). Following *de novo* review, the AAO found that that the director's basis for denial of the Form I-687 was in error. However, the AAO identified alternative grounds for denial of the application. Specifically, the AAO noted that the applicant failed to submit sufficient credible evidence of his continuous residence during the relevant period. The record also contains material inconsistencies regarding the applicant's residence. He submitted a Form I-485 and G-325A Biographic Information in 1997 indicating that he resided in [REDACTED] from 1958 until 1986.

On September 12, 2012, the AAO issued a Notice of Intent to Deny (NOID) informing the applicant of the deficiencies in the record and providing him with an opportunity to respond. [REDACTED] responded to the NOID, and sought to appeal the director's decision to the [REDACTED]. An appeal to the [REDACTED] would only be appropriate if the director had denied the application for the sole reason of finding the applicant was not a class member. Here, the AAO has adjudicated the case on the merits. Further, the record does not contain a Form G-28, Notice of Entry of Appearance as Attorney or Representative. All representations will be considered but the decision will be furnished only to the applicant.

The applicant failed to respond substantively to the NOID. On appeal, the applicant indicated he would submit a brief within 30 days of receipt of a copy of the record of proceedings. The request was processed on May 8, 2012 [REDACTED]. The applicant has failed to submit a brief and/or additional evidence.

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. Given the paucity of credible evidence contained in the record, and the applicant's failure to substantively respond to the NOID, the appeal will be summarily dismissed.

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