U.S. Department of Homeland Security
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U.S. Citizenship and Immigration Services

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[redacted]

FILE: [redacted] Office: LOS ANGELES Date: AUG 3 0 2007
MSC 06-066-13034

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: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed or rejected, 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.

Robert P. Wiemann, 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 District Director, Los Angeles, and that decision is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

An applicant for temporary resident status must establish entry in to the United States before January 1, 1982 and continuous residence in the United States since such date through the date the application is filed. Section 245A(a)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1255a(a)(2).

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, the director noted that though the applicant indicated that she was a citizen and national of Mexico who first entered the United States in April of 1981 during her April 28, 2006 interview, this information conflicted with other evidence in the record. In saying this, the director referred to the applicant's Form I-589, Request for Asylum in the United States, and Form G-325A, Biographic Information Form, both filed in May of 1994. On these forms, the applicant indicated that she was a citizen and national of El Salvador who resided in El Salvador from her date of birth in October of 1967 until January of 1991. On her Form I-589, the applicant indicated that before her January 1991 entry date into the United States, she had never previously entered the United States. The director also noted that the applicant subsequently submitted a Form I-817, Application for Family Unity Benefits on November 4, 2002. On this form the applicant showed that she was a citizen and national of Mexico who had last entered the United States in August of 1988. The director further found that the affidavits, which she noted were not notarized, were lacking, as none of the affiants stated how they met the applicant or how they were able to determine the date of the beginning of their acquaintance with the applicant. The director found that the evidence in the record indicated that the applicant did not maintain continuous residence in the United States from before January 1, 1982 until she attempted to file a Form I-687 during the initial legalization period. The director therefore determined that the applicant was not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements and denied the application.

On appeal, the applicant asserts that she came across the United States border with Mexico on the same day as her husband, who became a permanent resident after applying "through the 1986 Amnesty Program." The applicant goes on to say that because she was supported by her husband, she does not have documentary evidence to support her claim of having maintained continuous residence in the United States since 1980. The applicant submitted a photocopy of her husband's permanent resident card in support of her appeal. However, this document is not relevant to the

applicant's claim of maintaining continuous residence in the United States as it does not pertain to the applicant, but rather to her husband, whom she married on July 30, 1988, after the requisite period. Further, this document does not overcome the evidence in the applicant's previously submitted Form I-589 in which she established that she was not present in the United States during any part of the requisite period.

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, relevant evidence. Nor has he specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.

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