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

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FILE: [REDACTED]
MSC-06-026-12378

Office: NEW YORK

Date: DEC 12 2007

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. The file has 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, 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, New York. 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 her Notice of Intent to Deny (NOID), issued May 8, 2006, the director noted that at the time of his interview with the Citizenship and Immigration Services (CIS) officer on April 20, 2006, the applicant stated that though he first entered the United States in May 1981. He further stated that he traveled back to his native country in June 1981 and did not return until February 1982. Therefore, the director found the applicant had not established that he entered the United States on a date prior to January 1, 1982 and then resided continuously in an unlawful status since that time and for the duration of the requisite period. She granted him thirty (30) days within which to submit additional evidence in support of his application. Though the director noted that her office did receive additional evidence from the applicant in response to her NOID on June 2, 2006, she found it was not sufficient to meet the applicant's burden of proving, by a preponderance of the evidence that he resided continuously in the United States for the duration of the requisite period. In saying this, the director noted that evidence submitted in response to her NOID was previously presented at the time of the applicant's interview. Therefore, this evidence was considered before she issued her NOID. Because the evidence submitted by the applicant, when combined with the testimony he gave at the time of his interview, was not found sufficient to meet the applicant's burden of proof, the director denied the application.

On appeal, the applicant states that he has previously submitted evidence including contemporaneous evidence that proves that he entered the United States prior to January 1, 1982. He notes that the nature of the contemporaneous evidence submitted with his application, including a driver's license issued to him in 1979, bank records from 1979 and a visitor's visa and arrival card from 1981 are rare. He requests that the director's decision be reversed. The applicant provided no additional evidence or explanation to overcome the reasons for denial of 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 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.