



U.S. Citizenship
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FILE: [REDACTED]
MSC-05-230-11495

Office: NEWARK, NJ

Date: DEC 20 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, Newark, New Jersey. 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. The applicant provided documentation from one (1) affiant in support of his application. The director noted in her Notice of Intent to Deny (NOID) that the affidavit submitted by the applicant was not sufficiently detailed enough to meet the applicant's burden of establishing, by a preponderance of the evidence that he resided continuously in the United States for the duration of the requisite period. In saying this, she noted that the affidavit did not describe the nature of the relationship between the affiant and the applicant and was not submitted with proof that the affiant had resided in the United States during the requisite period. The director further noted that the applicant was eleven (11) years old at the time he claimed to have entered the United States, yet he provided no school or other records to verify his claim of having entered the United States as a minor. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. As the applicant did not submit additional evidence in response to the director's NOID, he did not overcome her reasons for denial. Therefore, the director denied the application.

On appeal, the applicant states that he knows the affiant from whom he submitted the affidavit well. He goes on to say that he does not have his school records because his aunt took them. He goes on to say that all available documents in support of his application have already been submitted. 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.