



U.S. Citizenship
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Services

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FILE: [REDACTED]
MSC-05-146-11723

Office: NEW YORK

Date: DEC 26 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-REPRESENTED¹

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

¹ Though the applicant states on her Form I-694, Notice of Appeal of Decision that she has an attorney, the AAO could find no evidence of a Form G-28, Notice of Appearance as Attorney or Representative, in the record. Thus, the applicant is considered self-represented.

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) the director noted that the applicant failed to provide affidavits in support of her application that were credible and amenable to verification. The director noted that there was no proof that the affiants from whom the affidavits were submitted had direct personal knowledge of the events and circumstances of the applicant's residency. The director also noted that she did not find the testimony provided by the applicant at the time of her interview with a Citizenship and Immigration Services (CIS) officer to be credible. The director granted the applicant thirty (30) days within which to submit additional evidence in support of her application. Though the director noted that her office received evidence from the applicant in response to her NOID, she stated that the documentation submitted was insufficient to overcome the director's reasons for denial. In saying this, the director noted that the affidavits submitted as evidence did not contain proof that the affiants had a relationship with the applicant or proof that the affiants were present in the United States during the requisite period. Therefore, the director denied the application, finding that the applicant had not met her burden of proof and was, therefore, not eligible to adjust to Temporary Resident Status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, the applicant states that she has more evidence available that she will submit soon. She indicates that she will submit a brief within thirty (30) calendar days. It is noted here that Citizenship and Immigration Services (CIS) received the applicant's appeal on August 23, 2006. As of December 12, 2007 CIS has not received additional evidence or a brief from this applicant. Therefore, the applicant provided no additional evidence or explanation to overcome the reasons for denial of her 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 she 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.