



U.S. Citizenship  
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Services

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FILE: [REDACTED]  
MSC-05-249-13758

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-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, the director noted in her Notice of Intent to Deny (NOID) that the applicant's record contained copies of a passport which indicated that she did not maintain an unlawful status in the United States for the duration of the requisite period. The director granted the applicant thirty (30) days within which to submit additional evidence in support of her application. The record shows that as a response to the director's NOID, the applicant submitted a statement on April 13, 2006 in which she asserted that she was inspected when she first entered the United States and entered legally in October of 1981, but that from January 1, 1982 until the end of the requisite period she resided in an unlawful status. She further stated that she was inspected at the time of her entry to the United States in February 1986. Though the director noted that she received this evidence from the applicant in response to her NOID, she stated that it did not overcome her reasons for denial. The director went on to note that the applicant's passport indicated that the applicant legally entered the United States on October 15, 1981, February 27, 1983, July 9, 1983 and then on February 24, 1986 with an F-1 student visa. The director stated that she found that the applicant's testimony, when combined with evidence in the record did not allow her to establish, by a preponderance of the evidence, that she resided continuously in the United States in an unlawful status from a date prior to January 1, 1982 until she attempted to file for legalization during the original filing period of May 5, 1987 to May 4, 1988 as the regulation at 8 C.F.R. § 245a.2(d)(5) requires applicants for adjustment of status to Temporary Residents to do.

On appeal, the applicant submits a statement that is not dated. In this statement, she asserts that she first entered the United States on July 10, 1981. She goes on to say that she was not inspected when she first entered. She states that she entered the United States without a visa and therefore she was living illegally in the United States. The applicant goes on to say that she resided illegally for the duration of the requisite period because she entered without a visa. It is noted that this is not consistent with what the applicant showed in her April 13, 2006 statement, where she indicated that she first entered the United States with a visa. It is further noted that the copy of the applicant's passport in the record shows that she entered the United after being inspected on October 15, 1981 after having obtained a US B1/B2 visa from the United States government in September 1981. The applicant provided no additional evidence or explanation to overcome the reasons for denial of her application with her appeal.

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.