



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED]
MSC-05-182-10472

Office: NEW YORK

Date: JUL 17 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:

[REDACTED]

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, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant did not provide evidence of continuous residence in the United States during the requisite period.

On appeal, the applicant resubmitted three affidavits that had already been considered by the director and had been found to lack relevance or credibility. The applicant did not address the specific basis for denial, and did not provide additional evidence. Instead, the applicant provided the following statement:

I respectfully disagree with the District Director's Decision dated January 24, 2006, and respectfully requesting [*sic*] reconsideration of my application for status as temporary resident (I-687). Legalization Unit of the District Director's office did not make the justifiable decision, and entered an erroneous, capricious decision. I have filed corroborated affidavits to the facts and circumstances which are credible and amenable to verification, but unfortunately, the USCIS Adjudication Officer did not try, nor made [*sic*] any good faith efforts to verify all the affidavits, facts, circumstances as well as witness testimony which were presented to the Adjudication Officer, and those were easily can [*sic*] be verified through the USCIS and those were discretion [*sic*]of the Immigration officer. I believe that I qualify, and also met the burden of proof for the application under section 245A of the INA.

Disagreeing with the director's decision and stating that the decision was made in error is not a sufficient basis for appeal; nor is claiming that CIS failed to verify the information in the affidavits that were previously taken into consideration and found lacking in probative value. 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 basis for denial. The appeal must therefore be summarily dismissed.

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