

identifying data deleted to
prevent disclosure of unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

L1



FILE: [REDACTED]
MSC-04-353-11776

Office: NEW YORK

Date: NOV 23 2007

IN RE: Applicant: [REDACTED]

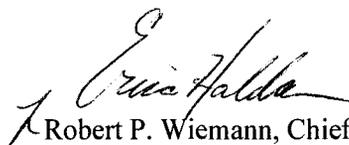
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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 that at the time of his interview with a Citizenship and Immigration Services (CIS) officer on March 20, 2006, the applicant provided testimony regarding his absences that was not consistent with evidence in the record. In saying this, the director noted that the applicant's passport was issued to him in the Gambia in 1999, yet he did not indicate that he was in the Gambia in 1999 during his interview. The director further noted that the affidavits submitted by the applicant in support of his application were not found credible as they did not contain identity documents for the affiants nor did they contain proof that the affiants were in the United States during the statutory period or proof that there was a relationship between the applicant and the affiants. For those reasons, the director found the applicant did not meet his burden of proving that he resided continuously in the United States for the duration of the requisite period as the regulation at 8 C.F.R. 245a.2(d)(5) specifies applicants for adjustment to Temporary Resident Status must do.

On appeal, the applicant submits a Form I-694, Notice of Appeal of Decision on which he states that more evidence in support of his application is available. He states that he will submit this evidence soon and indicates that he will submit a brief within thirty (30) days. It is noted here that the applicant's Form I-694 was received by the Service on June 14, 2006. As of November 7, 2007 the service has only received a letter from the applicant in which he states that he needs an EAD to be able to find work. 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.