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U.S. Citizenship
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Services

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[REDACTED]

FILE: [REDACTED]
MSC-05-232-11668

Office: NEW YORK

Date: NOV 23 2007

IN RE: Applicant: [REDACTED]

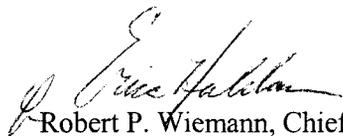
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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, in her Notice of Intent to Deny (NOID) the director noted that the affidavits submitted by the applicant in support of his application did not contain identity documents of the affiants, nor did they contain proof that the affiants were in the United States during the requisite period. Therefore, the director did not find these affidavits credible. The director went on to note that at the time of his interview with a Citizenship and Immigration Services (CIS) officer on March 16, 2006, he indicated that he was absent from the United States in both 2000 and 2005, which was not consistent with what he showed on his Form I-687. The director further noted inconsistencies between the applicant's testimony and what he showed on his Form I-687 regarding his employment and stated that the applicant claimed that he did not apply for legalization during the original filing period. The director found that these inconsistencies did not allow the applicant to prove by a preponderance of the evidence that he resided continuously in the United States for the duration of the requisite period. She granted him thirty (30) days within which to submit additional evidence in support of his application. Though the director noted that her office did receive additional evidence from the applicant in response to her NOID, she found this evidence was insufficient to overcome her grounds for denial and therefore, she denied the application.

In this case, the director adjudicated the Form I-687 application on the merits. The director did not deny the application based on a determination that the applicant was not a class member.

On appeal, the applicant resubmits his previously submitted affidavits. He submits an updated version of his Form I-687 that includes three absences, all of which are subsequent to the requisite period. He indicates that if those absences were not indicated on his original Form I-687, this was due to a typing error. It is noted here that only one absence is listed on the applicant's handwritten Form I-687. He further submits an affidavit that states that he is including identity documents for the affiants from whom he submitted affidavits. It is noted here that the record does not show that the applicant has submitted those identity documents. The applicant states that he forgot to indicate that he washed dishes at the Ground Round restaurant on his application. It is noted here that this particular employment is listed on the applicant's Form I-687. The applicant asserts that he was continuously physically present in the United States during the statutory period. The applicant provided no additional evidence and the explanation provided in the statement submitted with his appeal does not 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.