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U.S. Citizenship
and Immigration
Services

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FILE:

MSC-05-237-11214

Office: SAN FRANCISCO

Date: NOV 27 2007

IN RE:

Applicant:

APPLICATION:

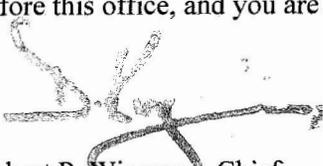
Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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

The applicant submitted a Form I-687, Application for Status as a Temporary Resident Under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet, on May 25, 2005. The director determined that the applicant failed to demonstrate that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through the date that his Form I-687 application was considered filed with the Immigration and Naturalization Service (now Citizenship and Immigration Services or CIS) in the original legalization application period of May 5, 1987 to May 4, 1988. The director noted specifically that on his Form I-687 the applicant claimed to have entered the United States in 1981 and to have last entered the United States on January 24, 1994; adding, “[o]n your asylum application signed January 25, 1994, you indicated that you had not previously traveled to the United States. Your alien registration file contained a Petition for Alien [R]elative filed on January 20, 1998 by [your U.S. citizen spouse]. The petition indicated that you arrived in the United States on January 24, 1994.” The director further noted that on his Form G-325A, Biographic Information, dated July 20, 1998, the applicant claimed to have resided from April 1966 to December 1993 in India. He also concluded that the applicant had failed to provide sufficient documentation of his claimed employment, continuous residence, or continuous physical presence in the United States during the requisite period. Based on the noted inconsistencies and lack of sufficient evidence, the director determined that the applicant was not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements and denied the application.

On appeal, the applicant did not specify any legal or factual error in the director’s decision and did not provide any documentation in support of his claim; he did not address the inconsistencies or lack of sufficient evidence in the record. He stated only that he could provide further evidence if necessary, that he was eligible for the benefit he applied for and that he had been living in an unlawful status in the United States since 1981.

Any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. 8 C.F.R. § 103.3(a)(3)(iv).

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence and has not 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.