



U.S. Citizenship  
and Immigration  
Services

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LI

FILE: [REDACTED]  
MSC-05-138-11511

Office: DETRIOT, MI

Date: SEP 20 2001

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 the matter 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 Director of the Detroit District Office, and that decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director concluded the applicant did not establish that he was eligible to adjust to temporary status in accordance with the Immigration and Nationality Act (INA) § 254a. Specifically, she stated in her Notice of Intent to Deny (NOID) that though the applicant testified that he continuously resided in the United States for the duration of the requisite period, he was unable to present documentation in support of his claim that he was physically present in the United States during the requisite period. It is noted here that the regulation at 8 C.F.R. § 245a.2(d)(5) states that an applicant applying for adjustment of status bears the burden of proving by a preponderance of the evidence that he or she has resided in the United States for the requisite period, is admissible to the United States under the provisions of section 254a of the INA and is eligible for adjustment of status under this section. The regulation at 8 C.F.R. § 245a.2(d)(6) requires an applicant to provide evidence of eligibility apart from his or her own testimony to meet his or her burden of proof in accordance with 8 C.F.R. § 245a.2(d)(5). The director granted the applicant thirty-three (33) days from the date of her NOID to submit additional evidence in support of his application. The director noted that though the applicant submitted four (4) affidavits in response to her NOID, the Service attempted to verify information in those affidavits with the affiants but was unsuccessful. Thus, the director found these affidavits were not amenable to verification and therefore determined that the applicant had not established by a preponderance of the evidence that he continuously resided in the United States for the duration of the requisite period. The director concluded that the applicant failed to overcome her reasons for denial as stated in her NOID and denied the application.

In this case, the director adjudicated the Form I-687 application on the merits. As a result, the director is found not to have denied the application for class membership.

On appeal, the applicant submits a Form I-694 on which he states that he will submit a brief within thirty (30) calendar days. He goes on to say that he has more evidence available that he will submitted soon. It is noted that the applicant's Form I-694 was received on June 21, 2006 and as of September 19, 2007 the Service has not received the applicant's brief or additional evidence from the applicant in support of his 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 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.