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**U.S. Citizenship
and Immigration
Services**

LI

[REDACTED]

FILE:

[REDACTED]

Office: NEW YORK

Date: SEP 20 2007

MSC-05-283-10108

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 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 New York 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 did not prove by a preponderance of the evidence that he continuously resided in the United States for the duration of the requisite period. In saying this, the director noted that information in the two (2) affidavits submitted by the applicant contained information that was not consistent with forms submitted by the applicant that were in the record. She also noted that though the affidavit from [REDACTED] who was born in Ghana asserted that the affiant met the applicant at a Christmas party for Ghanaians in 1981, it did not indicate that this party was in the United States.

It is noted here that similarly, the affidavit from [REDACTED] similarly does not establish that the affiant, who was born in Ghana saw the applicant in the United States during the requisite period. Though not noted by the director, it is noted here that the applicant's Declaration of Dissolution of Marriage and his Notice of Dissolution of Customary Marriage both indicate that from 1990 to 1995 the applicant was living in Accra, Ghana. It is noted that this is not consistent with information provided by the applicant on his Form I-687 and with information on the affidavits previously mentioned regarding the applicant's addresses of residence as represented on these documents, casting doubt on the credibility of other information contained in those documents. The director granted the applicant thirty (30) days from the date of her NOID to submit additional evidence in support of his application. The director noted that because the applicant did not submit additional evidence in response to her NOID, 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 due weight was not accorded to the affidavits her previously submitted with his Form I-687. The applicant did not submit additional evidence 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.