

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

L1



FILE:

MSC-04-335-10927

Office: CLEVELAND, OHIO

Date:

SEP 24 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 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 "R. Wiemann".

Robert P. Wiemann, Director
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 [REDACTED] Cal.) January 23, 2004, and *Felicity Mary Newman, et. al., v. United States Immigration and Citizenship Services, et al.*, CIV. NO. [REDACTED] February 17, 2004, (CSS/Newman Settlement Agreements) was denied by the Director of the Cleveland 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 (the Act) § 254a. Specifically, the director cited 8 C.F.R. § 245a.2(d)(5), which 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 Act and is eligible for adjustment of status under this section. Here, the director found that the applicant did not meet this burden. Therefore, the director denied his application.

On appeal, the applicant submits a written brief stating that asking him to provide evidence that he maintained continuous residence twenty (20) years ago is unfair and that it is nearly impossible for him to submit such evidence. He goes on to say that it was unfair that an interpreter was not provided to him at the time of his interview. No additional evidence was submitted with the applicant's appeal. It is noted that though the applicant asserts it is unfair to be required to submit evidence in support of his claim of having maintained continuous residence during the requisite period, 8 C.F.R. § 245a.2(d)(6) requires an applicant to provide evidence of eligibility apart from his own testimony to meet his or her burden of proof in accordance with 8 C.F.R. § 245a.2(d)(5). It is further noted that though the regulation at 8 C.F.R. § 245a.2(j) states that an applicant must appear at an appropriate CIS office for an interview, this regulation does not indicate that the government bears the burden of providing an interpreter during an applicant's interview for adjustment to temporary resident status.

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.