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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:

MSC-04-286-10545

Office: NEW YORK

Date:

APR 17 2008

IN RE:

Applicant:

APPLICATION:

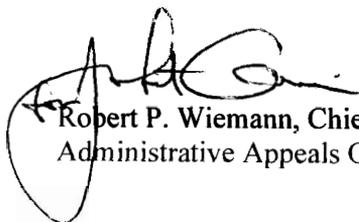
Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

  
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), issued April 12, 2006, the director noted that the applicant failed to provide credible evidence that he entered the United States before January 1, 1982 and then resided continuously in an unlawful status since his date of entry and until he was turned away by Immigration and Naturalization Services, now Citizenship and Immigration Services (CIS) or the Service, during the original legalization filing period. In saying this, she stated that credible affidavits are those that include a document identifying the affiant, proof that the affiant was in the United States during the requisite period and proof that there was a relationship between the applicant and the affiant. Here, the director noted that the affidavits submitted by this applicant were lacking with regards to these criteria. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. In her Notice of Decision, dated June 6, 2006, the director noted that the applicant timely submitted additional evidence in support of his application, which the record indicates was a statement in which he claimed that he did not have additional evidence to submit in support of his application. The director found that this statement when combined with the evidence this applicant previously submitted in support of his application did not allow him to meet his burden of proving by a preponderance of the evidence that he resided continuously in the United States for the requisite period. Because the evidence submitted by this applicant was not found sufficient to meet the applicant's burden of proof, the director denied the application.

On appeal, the applicant reiterates that he is unable to furnish evidence of his first entry into the United States because he entered illegally. He goes on to say that he was turned away when he attempted to file for legalization during the original filing period. He states that he first departed the United States in February 1987. It is noted here that the record indicates that during the applicant's interview with a CIS officer pursuant to his Form I-687 application on March 15, 2006, he indicated that the first time he departed from the United States was in 1990. The applicant further failed to provide additional evidence or explanation to overcome the reasons for denial of his application and contradicted previous testimony given to the Service regarding his absences from the United States.

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.