



U.S. Citizenship
and Immigration
Services

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FILE:

MSC-05-249-12323

Office: BOSTON, MA

Date:

APR 17 2008

IN RE:

Applicant:

APPLICATION:

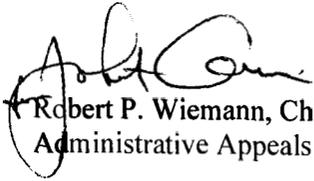
Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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 Acting District Director, Boston. 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 Decision, dated March 3, 2006, the acting director noted that the evidence submitted in support of the application, one affidavit, was not sufficient to allow the applicant to meet his burden of proving by a preponderance of the evidence that he resided continuously in the United States for the duration of the requisite period. It is noted here that the affiant from whom the affidavit was submitted did not submit proof of her identity with the affidavit, nor did she specify an address at which it was personally known to her that the applicant resided during the requisite period. Further, the affiant failed to indicate a date through which she personally knows that he resided in the United States. Because this affidavit was not found sufficient to meet the applicant's burden of proof, the director denied the application. It is noted here that the director granted the applicant a second opportunity to appear for an interview on July 18, 2006. However, the record indicates that the applicant did not appear for this interview appointment.

On appeal, the applicant states on his Form I-694, Notice of Appeal of Decision that he did not have medical insurance during the requisite period and therefore has no hospital records from that time. He asserts that the affidavit submitted in support of his application was submitted by an American citizen. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application with 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.