



U.S. Citizenship  
and Immigration  
Services

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FILE:

MSC-05-257-11472

Office: NATIONAL BENEFITS CENTER

Date: APR 21 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 Director, National Benefits Center. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because he 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 his Notice of Intent to Deny (NOID), issued August 4, 2006, the director noted that the applicant failed to provide evidence that she entered the United States before January 1, 1982 and then resided continuously in an unlawful status since her date of entry and until she was turned away by Immigration and Naturalization Services, now Citizenship and Immigration Services (CIS) or the Service, during the original legalization filing period; that she was continuously physically present in the United States from November 6, 1986 until she attempted to file for legalization during the original filing period; or that she was admissible as an immigrant. The director granted the applicant thirty (30) days within which to submit additional evidence in support of her application. In his Notice of Decision, dated September 19, 2006, the director noted that the applicant submitted evidence in response to the Service's NOID. However, the director found it was not sufficient to meet the applicant's burden of proving, by a preponderance of the evidence that she resided continuously in the United States for the duration of the requisite period. In saying this, the director noted that the affidavit submitted photocopies of both a Social Security Statement for [REDACTED] and a Federal Tax Lien for [REDACTED]. It is noted here that neither this individual's Social Security Statement nor the Federal Tax Lien pertain to the requisite periods. It is also noted that the file further contains a letter from the applicant that states that these documents are her husband's. However, the applicant has not submitted a marriage certificate or other documentation that establishes that [REDACTED] is her husband. The director found that the evidence submitted by the applicant in response to the Service's NOID did not establish that she entered the United States prior to January 1, 1982, nor did it establish that she resided in the United States continuously for the duration of the requisite period. Because the applicant did not submit proof that she resided in the United States for the requisite periods, the director cited the regulation at 8 CFR 245a.2(d)(5) in saying that the applicant did not meet her burden of proving that she did so by a preponderance of the evidence.

On appeal, the applicant states that she will submit a brief within thirty (30) days. The applicant dated her appeal September 27, 2006. As of April 1, 2008, the Service has not received a brief from this applicant. The applicant provided no additional evidence or explanation to overcome the reasons for denial of her application with her 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 she 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.