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FILE: [REDACTED]
MSC-05-239-10170

Office: LOS ANGELES

Date: **APR 28 2008**

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:



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, Los Angeles. 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, the director noted that though the applicant submitted affidavits from individuals who stated that the applicant resided in the United States since 1981 and 1982, her office attempted to verify information in those affidavits. She noted that one affiant, [REDACTED] was contacted on August 29, 2006 and he could not remember the year he first met the applicant. She noted that her office was unable to contact other affiants. Therefore, the director found that since these affidavits were not amenable to verification. As the applicant only submitted affidavits in support of his application, she found he did not meet his burden of establishing that he entered the United States on a date prior to January 1, 1982 and then resided continuously in the United States for the duration of the requisite period. Therefore, the director found the applicant did not 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 submits a statement in which he asserts that the director erred in her decision. He states that he feels that the letter from [REDACTED] establishes that he knew the applicant since 1980. It is noted here that the affidavit from [REDACTED] states that this affiant met the applicant in February 1982 rather than in 1980. It is also noted that this affiant was unable to verify when he met the applicant when he was contacted by the Los Angeles District Office. The applicant asserts that all of the affidavits he submitted support his claim that he resided in the United States for the duration of the requisite period. The applicant further fails to provide additional new evidence or an explanation to overcome the reasons for denial of his application.

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.