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FILE: [REDACTED]
MSC-06-062-17002

Office: NATIONAL BENEFITS CENTER

Date: **APR 25 2006**

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: 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, 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 January 11, 2006, the director noted that the applicant failed to provide evidence that he entered the United States before January 1, 1982 and then resided continuously in an unlawful status since her 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; that he was continuously physically present in the United States from November 6, 1986 until he attempted to file for legalization during the original filing period; or that he was admissible as an immigrant. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. Though the director noted that he did receive additional evidence in support of the application, affidavits, none of the affiants from whom he submitted these affidavits attested to the applicant's presence in the United States before 1984. The director further noted that the affiants from whom the applicant submitted affidavits failed to submit proof that they were present in the United States for any part of the requisite period. In his Notice of Decision, dated September 23, 2006, the director stated that the evidence submitted by this applicant did not allow him to prove by a preponderance of the evidence that he had entered the United States since before January 1, 1982 and then resided continuously in an unlawful manner since that time and for the duration of 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 asserts that he has resided in the United States since 1981. He states that he does not have any evidence that he was living in the United States at that time. However, he asserts that affiants from whom he previously submitted affidavits know that he resided in the United States since 1981. It is noted here that the director correctly stated that none of the affiants stated that they met the applicant before 1984 in their affidavits. The applicant failed to provide additional evidence or explanation to overcome the reasons for denial of her 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 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.