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U.S. Citizenship  
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[REDACTED]

FILE: [REDACTED] MSC-06-031-14144

Office: NEW YORK

Date: **AUG 21 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:

[REDACTED]

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 Records 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, New York District Office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to submit sufficient evidence to overcome the grounds for denial stated in the Notice of Intent to Deny. Specifically, the applicant failed to establish by a preponderance of the evidence that he had resided continuously in the United States throughout the requisite period. The director noted that the applicant had signed and submitted Biographic Information Forms G-325A that conflict with his claim of continuous residence throughout the requisite period. One of the forms indicates that the applicant lived in Bangladesh until September 1986, and the other form indicates that he lived in Bangladesh until May 1996.

On appeal, the applicant stated that his efforts at legalization have failed due to his not having credible documents of his residency, he barely has enough documents because he entered the United States as an undocumented individual, and he actually meets the residency and continuous physical presence requirements. The applicant stated that the inconsistencies between his current claim and the Forms G-325A are due to an unintentional mistake. The applicant also stated that all his affiants are willing to confirm their statements to the extent their memory serves. On appeal, the applicant provided numerous documents that he had already submitted or that carry no weight in determining whether the applicant resided in the United States during the requisite period. The applicant failed to provide independent and objective evidence in support of his explanation for the inconsistencies identified in the record. He also failed to explain or address the fact that the Forms G-325A that he submitted are inconsistent with each other.

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 bearing on his claim of continuous residence in the United States during the requisite period. Nor has he fully addressed the specific grounds stated for denial. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.