



U.S. Citizenship
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Services

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FILE:

MSC-05-172-12985

Office: NEW YORK

Date:

DEC 08 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:

INSTRUCTIONS:

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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.


John F. Grisson, Acting 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 of the New York office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she found that the applicant had submitted insufficient evidence to overcome the grounds for denial expressed in the Notice of Intent to Deny (NOID). In the NOID, the director noted that the individuals who provided affidavits for the applicant could not be reached at the telephone numbers listed on the affidavits. She also noted that two letters provided by the applicant appeared altered. The director found that the applicant had failed to establish by a preponderance of the evidence that he had resided in the United States throughout the requisite period. In her final decision, the director noted that counsel had suggested that the applicant was intimidated during the interview with an immigration officer. The director stated that counsel was not present at the interview; officers conduct interviews in a professional manner and according to standard procedures; the applicant had not shown signs of stress or nervousness; the applicant appeared rehearsed in his responses; and when the applicant was questioned about discrepancies between his written and oral responses, he became defensive.

On appeal, counsel for the applicant states that the evidence submitted by the applicant is genuine, and the affiants are willing to confirm their statements; the applicant contends that he was intimidated by the interviewing officer and, therefore, made claims he otherwise would not have made; and the individuals who prepared the applicant's Form I-687 Application for Temporary Resident Status made errors that seem to contradict his oral statements.

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 that 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. Specifically, the applicant has failed to provide independent, objective evidence to overcome the limitations that the director identified in the documents submitted by the applicant. The appeal must therefore be summarily dismissed.

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