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U.S. Department of Homeland Security  
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U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
MSC-06-031-13575

Office: PROVIDENCE

Date: DEC 08 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:

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.

A handwritten signature in ink, appearing to read "John F. Grissom".

John F. Grissom, 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 Providence 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 failed to meet his burden of proving by a preponderance of the evidence that he resided in the United States for the requisite periods, is admissible to the United States under the provisions of section 245A of the Immigration and Nationality Act, and is otherwise eligible for adjustment of status under this section. Specifically, the director stated that the applicant had indicated on his Form I-687 Application for Temporary Resident Status that he resided in Tucson, Arizona throughout the requisite period, yet he had stated in his interview with an immigration officer that he resided in California throughout the requisite period. It is noted that the applicant failed to indicate on his Form I-687 application that he resided in California at any time.

On appeal, the applicant states that the director erred in her interpretation of the law, he believes that he meets the requirements for temporary resident status, he had clarified with the immigration officer that he later resided in California, the director has put too much emphasis on minor inconsistencies, and the evidence provided by the applicant is sufficient to show he is eligible for temporary resident status. It is noted that the applicant failed to provide any evidence indicating that he resided in the United States during the requisite period.

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 failed to submit any evidence of his residence in the United States during the requisite period. He has also failed to directly address the grounds stated for denial. Specifically, the applicant has failed to provide independent, objective evidence to overcome the inconsistency identified by the director. The appeal must therefore be summarily dismissed.

It is noted that the record contains a letter from \_\_\_\_\_ in which \_\_\_\_\_ identifies herself as the applicant's attorney. According to 8 C.F.R. § 292.4(a), an appearance shall be filed on the appropriate form by the attorney or representative appearing in each case. A notice of appearance entered in proceedings must be signed by the applicant to authorize representation in order for the appearance to be recognized by Citizenship and Immigration Services. The record does not contain a Form G-28 Notice of Entry of Appearance as Attorney or Representative signed by the applicant and \_\_\_\_\_

The AAO sent a notice to \_\_\_\_\_ on November 14, 2008 requesting that a copy of Form G-28 Notice of Entry of Appearance as Attorney or Representative, signed by the applicant and \_\_\_\_\_ be submitted to the AAO within five business days. More than two weeks have passed since the

• [REDACTED]  
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issuance of the notice, and the AAO has not received a response. As a result, the record will be considered complete. The record does not contain a Form G-28 establishing [REDACTED] authorization to serve as the applicant's attorney. Therefore, her representation will not be recognized by the AAO.

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