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U.S. Citizenship  
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FILE:



Office: NEW YORK

Date:

DEC 11 2008

MSC 05 231 13227

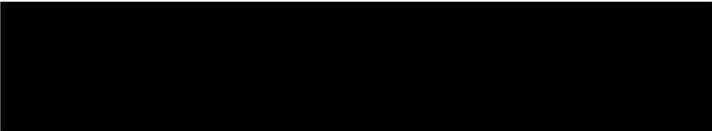
IN RE:

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:

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

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet on May 19, 2005. Upon review, the director determined that insufficient evidence had been presented to establish eligibility under section 245A of the Act. On April 10, 2006, the director issued a notice of intent to deny (NOID) stating that the applicant had not provided credible evidence to establish that he entered into the United States before January 1, 1982 and continuously resided in the United States in an unlawful status for the duration of the requisite period. The applicant was granted 30 days from the date of the notice to submit additional evidence in response to the NOID. The applicant failed to submit additional evidence within the time allotted. The director denied the application, finding that the applicant had not established by a preponderance of evidence that he had entered the United States prior to January 1, 1982, and thereafter continuously resided in the United States in an unlawful status for the duration of the requisite period.

On appeal, the applicant states that he already sent additional documents. The applicant resubmits copies of the same affidavits from [REDACTED] and [REDACTED] that were submitted when filing his Form I-687 application. The applicant requests the AAO to reconsider his case.

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. The applicant on appeal provided no new evidence or explanation to overcome the reasons for denial of his application.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. The sworn affidavits from [REDACTED] and his wife, [REDACTED] fail to establish the applicant's illegal entry into the United States from Canada in November 1981 and his continuous unlawful residence in the United States for the duration of the requisite period. The affidavits submitted do not contain sufficient information to support the applicant's claim. On appeal, the applicant has not presented additional evidence and has not addressed the grounds stated in the director's denial. The appeal must therefore be summarily dismissed.

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