

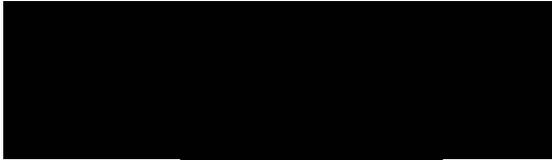
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U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC 06 039 13361

Office: BOSTON

Date: DEC 29 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.


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, Boston. 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 November 8, 2005. Upon review, the director determined that insufficient evidence had been presented to establish eligibility under section 245A of the Act. On November 28, 2005, the director issued a notice of intent to deny (NOID) stating that the applicant had failed to establish by a preponderance of evidence that he first entered the United States before January 1, 1982 and thereafter resided continuously 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, on December 21, 2005, the applicant submitted two sworn affidavits. The director denied the application, finding that the applicant during his interview on November 21, 2006 stated that he initially entered the United States in October 1982 using an F-1 nonimmigrant visa and had never entered, visited or otherwise been present in the United States before October 1982. Accordingly, the director determined that the applicant had not established eligibility for temporary residence under section 245A of the Act.

On appeal, the applicant states that the officer's questions were confusing and that he submitted all the documentation required to establish he entered and maintained continuous residency in the United States prior to January 1, 1982.

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 stated in the director's denial.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. Specifically, the applicant failed to provide evidence that he entered the United States prior to January 1, 1982 and continued to reside within the United States in an unlawful status for the duration of the requisite period. 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.