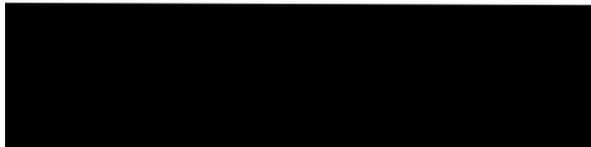


identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
MSC-05-029-10187

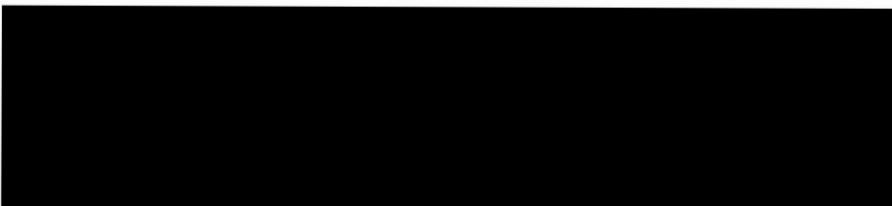
Office: NEW YORK

Date: **JAN 02 2008**

IN RE: Applicant: [REDACTED]

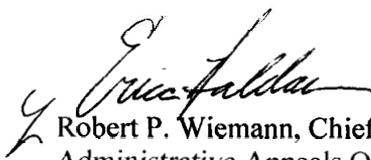
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, 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.

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

The director denied the application because she found the evidence submitted with the application was insufficient to establish eligibility for Temporary Resident Status pursuant to the terms of the CSS/Newman Settlement Agreements. Specifically, in her Notice of Intent to Deny (NOID), the director noted that the affidavits submitted by the applicant in support of her claim of having maintained continuous residence in the United States for the duration of the requisite period were not found credible nor were they found amenable to verification. In saying this, the director noted that they were not submitted with documents identifying the affiants, proof that the affiants were in the United States during the requisite period, proof that there was a relationship between the affiants and the applicant and a phone number at which the affiants could be contacted to verify information in their affidavits. The director granted the applicant thirty (30) days within which to submit additional information in support of her application. Though the director noted that her office received additional evidence from the applicant in response to her NOID, she stated that it was not sufficient to overcome her reasons for denial. She continued to find that the affidavits submitted by the applicant lacked credibility and were not amenable to verification. In saying this, the director noted that though Citizenship and Immigration Services (CIS) repeatedly attempted to contact affiants [REDACTED] and [REDACTED] at the telephone numbers they provided, these attempts were unsuccessful. Therefore, as the applicant had not submitted evidence in support of her application that carried sufficient weight to prove by a preponderance of the evidence that she resided continuously in the United States for the duration of the requisite period, the director denied the application.

On appeal, the applicant states that the affiants from whom she submitted affidavits resided in the United States during the requisite period. However, it is noted that the applicant did not submit additional documentation that would prove that they did so. She states that their phone numbers are working. She goes on to say that it is not realistic to request contemporaneous evidence in support of her application because those who reside in the United States in an unlawful status do not have such documentation. The applicant provided no additional evidence or explanation to overcome the reasons for denial of her application.

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. Nor has she addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

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