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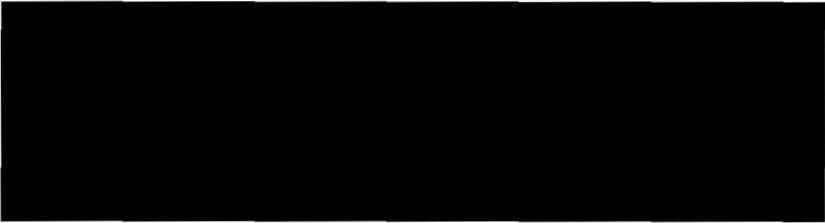


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FILE: 
MSC-05-203-10530

Office: LOS ANGELES

Date: **JAN 02 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:

SELF-REPRESENTED

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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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, Los Angeles. 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, during her interview with a Citizenship and Immigration Services (CIS) officer the applicant testified and then signed a sworn statement in which she asserted that she began residing in the United States in July of 1987 after entering for the first time. The applicant provided documentation that her children had attended school in the United States from 1983 and that her husband paid taxes from 1982. Statements made by the applicant found in the record indicate that she has previously stated to CIS that she entered the United States for the first time in March 1980 and November 1981 as well as July 1987, casting doubt on whether the applicant has accurately represented her first date of entry into the United States. Documentation the applicant submitted did not establish by a preponderance of the evidence that she entered the United States before January 1, 1982.

On appeal, the applicant states that she first entered the United States in March of 1980 rather than in July of 1987. The applicant submits documents she previously submitted in support of her application. Though the applicant asserts in a statement submitted with her appeal that she entered the United States for the first time in March of 1980, no evidence she has submitted previously other than her Form I-687 shows this as her first date of entry. As was previously noted, at the time of her interview with a CIS officer, the applicant indicated that she first entered the United States in July of 1987 and then signed a sworn statement reiterating that this was her date of first entry. It is further noted that the applicant signed a previous sworn statement on February 14, 1994 in which she stated that she entered the United States for the first time in November 1981. Because she has not represented her date of first entry consistently to CIS, doubt is cast on assertions made by the applicant regarding her date of first entry into the United States. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his 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.