

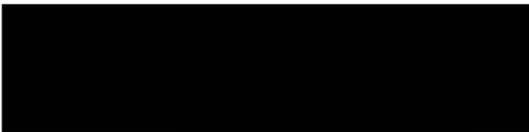
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**U.S. Citizenship
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FILE: [REDACTED]
MSC-05-244-23506

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:

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, 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), issued March 31, 2006, the director noted that the affidavits the applicant submitted in support of her application did not contain evidence that the applicants had direct personal knowledge of the events and circumstances of the applicant's residency in the United States during the requisite period. The director went on to say that the affidavits from the applicant were not submitted with documents identifying affiants, proof that the affiants were in the United States during the statutory period or proof that there was a relationship between the applicant and the affiants. It is noted here that the applicant submitted two (2) affidavits, one, from [REDACTED] nee Sumter, who asserts in that affidavit that the applicant began residing in the United States, "From sometime between 1987 to 1988" and the other, from [REDACTED], who states that the applicant began residing in the United States from, "Around 1986 onwards." The director further noted that the applicant's Form I-687 and the testimony she gave at the time of her interview were not consistent regarding her residences or her absences from the United States. The director granted the applicant thirty (30) days within which to submit additional evidence in support of her application. In her Notice of Decision, dated May 30, 2006, the director noted that the applicant submitted additional evidence in support of her application, which the record shows is one (1) affidavit from [REDACTED] and one (1) statement from the applicant in response to the NOID. It is noted that the affidavit from [REDACTED] and the applicant's statement both indicate that the applicant first entered the United States on November 10, 1980. The director found this evidence was not sufficient to meet the applicant's burden of proving, by a preponderance of the evidence that she resided continuously in the United States for the duration of the requisite period. Therefore, she denied the application.

On appeal, the applicant states that she first entered the United States on July 15, 1981. It is noted that this is not consistent with what the applicant stated in her response to the director's NOID. She asserts that she applied for amnesty during the original legalization period but was turned away. She states that she returned to Guyana after the amnesty period ended. 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.