



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC 06 098 10922

Office: CHICAGO

Date: JAN 18 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.


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, Chicago, and 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. While the director determined that the applicant had submitted sufficient evidence to establish his residence in the United States since 1985, he determined that the applicant had not established by a preponderance of the evidence that he had continuously resided in the United States from prior to January 1, 1982 until 1985. The director addressed the affidavits that were submitted in support of the applicant's claim and cited the deficiencies that precluded a favorable decision. More specifically, the director noted that one affiant did not attest to the applicant's residence in the United States during the relevant time period; one affiant failed to provide a contact phone number where he can be reached for further verification; and one affiant failed to respond to Citizenship and Immigration Services' (CIS) attempt to contact him in order to verify information provided in his affidavit. Ultimately, the director denied the application, finding that the applicant had not met his burden of proof and was, therefore, not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, the applicant states that the affiants who submitted affidavits on his behalf are willing to submit additional, properly written, affidavits. He also claims that the affiant, who the director stated was unavailable for further contact, denied having ever been contacted by a CIS officer. No further documentation has been offered to cure the significant deficiencies described by the director.

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 he properly addressed the grounds stated for denial. Rather, the applicant merely suggested that additional documentation could be presented upon request and merely denied the director's assertion that an affiant was unavailable for verification of information. The appeal must therefore be summarily dismissed.

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