

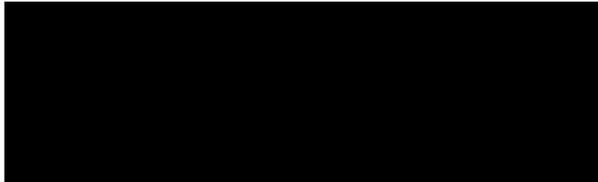
identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



41

FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER Date: **JAN 24 2008**
MSC-06-103-12516

IN RE: Applicant: [REDACTED]

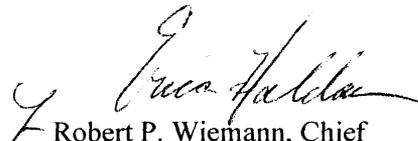
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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, National Benefits Center. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because he 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. It is noted here that applicants for Temporary Resident Status bear the burden of proving by a preponderance of the evidence that they have resided in the United States for the requisite period. 8 C.F.R. § 245a.2(d)(5). To meet their burden of proof, applicants must provide evidence of eligibility apart from their own testimony. 8 C.F.R. § 245a.2(d)(6). The regulation at 8 C.F.R. § 245a.2(d)(3) provides an illustrative list of documentation that an applicant may submit to establish proof of continuous residence in the United States during the requisite period. Here, the director noted in his Notice of Intent to Deny (NOID) that applicant failed to submit evidence apart from her own testimony proving that she had maintained continuous residence in the United States during the requisite period, was continuously physically present in the United States from November 6, 1986 and then for the duration of the requisite period or that she was admissible as an immigrant. The director granted the applicant thirty (30) days within which to submit additional evidence in support of her application. Though the director noted that his office received additional evidence from the applicant in support of her application, he found it was insufficient to overcome the grounds for denial as stated in his NOID. It is noted here that the evidence submitted by the applicant was not relevant to the requisite period.

On appeal, the applicant's attorney submits a letter requesting an additional thirty (30) days with which to submit additional documentation and evidence in support of the application. It is noted here that this letter was dated September 20, 2006. On January 3, 2008, the AAO contacted the applicant's attorney to request that he forward a brief and/or evidence to the AAO within five (5) business days. To date, counsel has not responded to this request. Accordingly, CIS has not received any further documentation or other evidence in support of this application and the record will be considered complete.

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.