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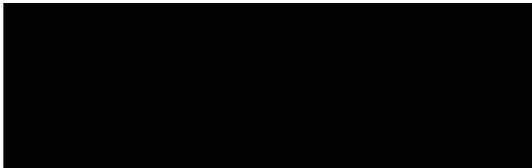
U.S. Department of Homeland Security
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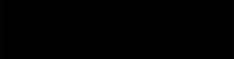
U.S. Citizenship
and Immigration
Services

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FILE:



OFFICE: LOS ANGELES

Date: **JUL 10 2008**

MSC 05 235 11025

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. All documents have been returned to the National Benefits Center. If your appeal was sustained, or if the matter 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, Los Angeles, 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. The director determined that the applicant had not established by a preponderance of the evidence that she had continuously resided in the United States in an unlawful status for the duration of the requisite period. Specifically, the director noted that the applicant failed to respond to the previously issued notice of intent deny (NOID) and further noted that in response to No. 32 of the Form I-687, the applicant indicated that she had resided in Mexico from 1963 to 1990, thereby indicating that she had not resided in the United States during the statutory period.¹ The director denied the application, finding that the applicant had not met her 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 reaffirms her claimed eligibility, states that she has not committed any crimes, and requests to be interviewed again for the purpose of establishing eligibility for temporary resident status. However, the applicant does not provide further evidence or address the considerable discrepancy between the information she provided in her application and the oral testimony she provided at her interview, where she claimed that she resided in the United States during the statutory time period.

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.

¹ Although the director based the NOID on the determination that the applicant failed to establish class membership, the fact that the denial was based on the merits of applicant's residency claim suggests that the applicant was treated as a class member, despite the NOID's findings. As such, the AAO's decision will focus strictly on the applicant's eligibility for temporary resident status.