

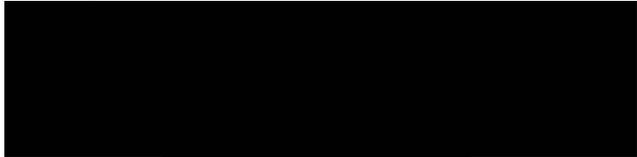


U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-05-250-13436

Office: NEW YORK

Date: **JUL 23 2008**

IN RE: Applicant: [REDACTED]

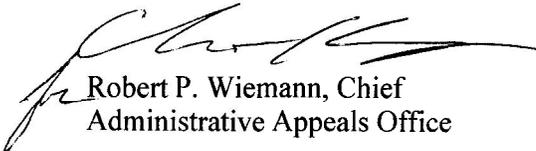
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.


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 Director, New York District Office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she found 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 admitted that she did not enter the United States on or before January 1, 1982; had a child born in Haiti in November 1982; was seen at the American Embassy in Haiti in February and March 1984; was admitted to the United States in October 1987; and failed to list any residences before 1997 or any absences on her Form I-687 application.

On appeal, the applicant stated that the director misinterpreted her application and her statements in the interview. She stated that she confirmed that she entered the United States in 1982 through Miami, Florida; entered New York City in 1983; and was traveling back and forth to Haiti since that time. She stated that she has met her burden of proof by a preponderance of the evidence.

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. Specifically, the applicant has failed to indicate that she entered the United States before January 1, 1982. The appeal must therefore be summarily dismissed.

The record contains a Form G-28 Notice of Entry of Appearance as Attorney indicating that the applicant was represented by [REDACTED]. On November 8, 2007, [REDACTED] was expelled by the Board of Immigration Appeals (Board) from practice before the Board, the immigration courts, and the Department of Homeland Security with an effective date of May 18, 2007 to coincide with [REDACTED]'s initial suspension. *In re: Jonathan Saint Preux, Attorney, ___ I&N ___* (BIA November 8, 2007). Therefore, correspondence in this proceeding will be issued only to the applicant at his address of record.

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