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FILE: [REDACTED]
MSC-05-265-12481

Office: LOS ANGELES

Date: **JUL 30 2008**

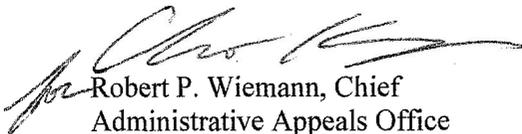
IN RE: Applicant: [REDACTED]

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 District Director, Los Angeles, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily 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, on June 22, 2005. On August 17, 2006, the director denied the application after determining 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. The director noted that the applicant submitted a declaration in which she stated that she first entered the United States in 1981 and that she did not work because she was afraid of being deported. The director noted, however, that the applicant stated under oath during her interview with immigration officers on August 14, 2006 that she agreed with the affiant [REDACTED] who stated that she had known the applicant since 1984 and that the applicant babysat for her. The director further noted that the applicant submitted additional affidavits that were lacking in detail and were not credible. The director denied the application, finding that based on the inconsistency in the applicant's statements and the lack of sufficient credible evidence, the applicant was not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, the applicant asserts that she has lived in the United States since 1981 and that when she worked she was paid in cash, that she paid her bills in cash, and that therefore, she did not possess any receipts for the bills paid. The applicant also asserts that she was confused and felt pressured during her interview with immigration officers and that she offers her apologies for any misunderstanding. She submits an affidavit from [REDACTED] dated August 30, 2006 in which the affiant states that he has known the applicant since 1981, that she came to his residence seeking tax advice, and that he is still preparing the applicant's taxes. This statement is inconsistent with the applicant's claim of non-employment in her declaration and on her Form I-687 application, where she indicated that she has been a housewife since 1981. The applicant also submitted an affidavit from [REDACTED] dated August 30, 2006 in which he stated that he has known the applicant since 1981, but did not state where he met the applicant or provide any further probative information. Neither the applicant nor the affiants have established through their statements that the applicant entered the United States since before January 1, 1982 and continuously resided in the United States for the requisite 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 director's decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented evidence sufficient to

overcome the director's decision. Nor has she specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.

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