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**U.S. Citizenship  
and Immigration  
Services**

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[REDACTED]

FILE:

MSC 05-230-30670

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 May 18, 2005. The director denied the application on August 17, 2006, 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 was interviewed by immigration officers on August 11, 2006, at which time she testified under oath that she departed the United States for two months in 1982 and for three months in 1984 to give birth to her children. The director further noted that each absence was in excess of forty-five (45) days, and that this resulted in the disruption of the applicant's continuous residence. 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 asserts that she was nervous and was taking medication for depression during her interview with immigration officers and that she answered questions incorrectly. The applicant further states that she was absent from the United States from March to April of 1982, and left again on February 15, 1985 because she traveled to Mexico to give birth to her children. The applicant explains that she does not have the documentation to substantiate her claim. Although the applicant appears to claim that her absences from the United States were not in excess of 45 days, she submits no evidence apart from her own statements on appeal. To meet her burden of proof, the applicant must submit evidence of eligibility apart from her own testimony. 8 C.F.R. § 245a.2(d)(6).

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 any probative evidence. Nor has she overcome the grounds for denial. The appeal must therefore be summarily dismissed.

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