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U.S. Citizenship
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FILE: [REDACTED]
MSC-06-061-14760

Office: NEW YORK

Date: JUN 19 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:

[REDACTED]

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

The director denied the application because she 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. Specifically, in her Notice of Intent to Deny (NOID), issued May 4, 2006, the director noted that documents in the record were not consistent regarding the applicant's residence in the United States. In saying this, she noted that testimony in the affidavits from [REDACTED] and [REDACTED] was not consistent with the applicant's testimony. It is noted here that the notarized affidavit from [REDACTED] shows the applicant resided at [REDACTED] continuously from June 1981 until November 2005. The notarized affidavit from [REDACTED] shows the applicant resided at this address continuously from March 1981 until April 2005. However, the applicant's Form I-687 shows she resided at this address from February 1981 until May 1987 and then also from July 1991 until the date she submitted her Form I-687. The director also stated that the affidavits submitted by the applicant were not credible or amenable to verification. The director granted the applicant 30 days within which to submit additional evidence in support of her application. The director noted that her office received additional evidence from the applicant in response to her NOID including updated telephone numbers at which affiants could be reached. However, when the director's office contacted affiant [REDACTED] on September 27, 2006, he stated that he did not know the applicant. The director also noted that her office was not able to successfully contact other affiants. Therefore, the director found the applicant failed to overcome her reasons for denial as stated in her NOID.

On appeal, the applicant's attorney states that the applicant's application should be re-opened based on the merits of her interview and previously submitted documents.

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.