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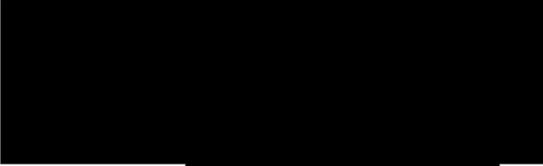
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
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Services

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FILE:



Office: NEWARK

Date:

JUN 27 2008

MSC-04-343-10332

IN RE:

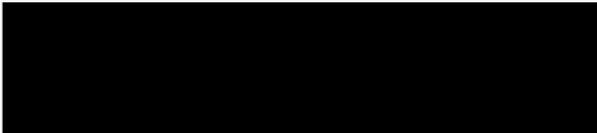
Applicant:



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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office on your appeal. You no longer have a case pending before this office. If your appeal was sustained or the matter was remanded for further action, your file has been returned to the office that originally decided your case, and you will be contacted. If your appeal was dismissed or rejected, your file has been sent to the National Benefits Center. You are not entitled to file a motion to reopen or reconsider your case.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The District Director, Newark, denied the application for temporary resident status filed 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). The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant did not provide credible evidence of entry into the United States prior to January 1, 1982, and because the evidence of record in fact contradicted his claim of entry and residence for the requisite period. The director specifically noted that copies of the birth certificates of two of the applicant's children, born in November 1981 and July 1984 in the Philippines, (1) clearly showed that the applicant was in the Philippines and registered their births in 1981 and 1984; (2) clearly indicated his residence in the Philippines; and (3) showed his occupations in 1981 and 1984 as teacher and chemist, contradicting his later claims. The director also noted that the applicant had filed two different legalization applications¹ in which the applicant claimed to be residing at entirely different addresses in the United States during the requisite period and that he had submitted inconsistent and contradictory affidavits supporting the different claims, concluding that "it is beyond a reasonable doubt, as evidenced by the completely contradictory information that you and others that you claim to know have given to the Service regarding your residency in the United States, that your application is fraudulent." In light of the evidence of residence outside the United States during the requisite period and the significant contradictions in the record, the director determined that the applicant had not met his burden of establishing by a preponderance of the evidence that he had entered and resided unlawfully in the United States for the requisite period and that he was therefore ineligible for temporary resident status pursuant to the CSS/Newman Settlement Agreements.

In his Notice of Appeal, the applicant fails to address the contradictions noted by the director. Instead he claims, through counsel, that he has submitted along with his application affidavits from credible witnesses pertaining to his illegal presence in the United States during the requisite period. He asserts that the affiants are not required to show that they were legally present in the United States at the time the applicant arrived in the United States. While that assertion is correct, the decision to deny the application was not based on failure to meet such a requirement. The applicant did not address the reasons given by the director for denying the application and did not specify any factual error in the director's decision and did not provide any additional documentation in support of his claim.

Any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. 8 C.F.R. § 103.3(a)(3)(iv). 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 and has not 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.

¹ The record includes a Form I-687 signed in 1990, submitted by the applicant in connection with his application for class membership in one of the pending legalization law suits, and his Form I-687 Application filed in 2004, which is the subject of this appeal.