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U.S. Department of Homeland Security
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U.S. Citizenship
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Services

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FILE:



MSC 05 358 11326

Office: NATIONAL BENEFITS CENTER

Date: JUN 27 2008

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:

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.

Handwritten signature of Robert P. Wiemann in black ink.

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, National Benefits Center. That decision is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director's decision denied the applicant's Form I-687 because the applicant did not establish that she entered the United States before January 1, 1982, and that she resided in a continuous unlawful status, except for brief absences, from before January of 1982 until the date the applicant was turned away by service officials when she tried to apply for legalization, and, because the applicant did not establish that she was continuously present in the United States, except for brief, casual and innocent departures, from November 6, 1986 until the date she was turned away by the service when she tried to apply for legalization.

On appeal, the applicant states on the Form I-694 (Notice of Appeal) as follows:

I appeal the decision of the immigration officer to deny my I-687 application for Temporary Resident because of the following reasons:

I previously requested additional time in order to be able to provide additional evidence. I stated that I was still [tracking] my records so that I could prove my stay in the United States during the requisite periods. During the time of my stay, I hadn't the chance to keep all the records related to this issue for many reasons. The language barrier was among the reasons. I appeal this decision and request more time in order to provide it.

The applicant does not specifically address the basis of the director's denial nor offer any new evidence in that regard. The applicant states simply that she had previously requested additional time to provide evidence. The director noted in his decision of August 8, 2006 denying the appellant's Form I-687 that she provided a statement on December 21, 2005 stating that she was still attempting to gather proof of residency, and asking for additional time. As of the date of the director's decision (August 8, 2006), and as of the date of the present AAO decision, the applicant has failed to submit any additional evidence in support of her appeal. It should further be noted that on the Form I-694 Notice of Appeal, the applicant indicates that she waives the right to submit a written brief or statement. As such, the record is deemed complete and ripe for adjudication. The appellant must do more than simply request an appeal. She must specifically address the basis of the director's denial and/or offer new evidence in support of her appeal. As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented new evidence. 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.