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[Redacted]

FILE: [Redacted]
MSC-04-293-10275

Office: SAN FRANCISCO (FRESNO)

Date: MAR 27 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 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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The District Director, San Francisco, 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 her claim of entry and residence for the requisite period. He specifically noted that the applicant submitted copies of Form I-94 for herself and her family members showing that she and her family were admitted as visitors on B-2 nonimmigrant visas on November 5, 1982; and that, during her interview, although the applicant stated under oath that the first time she entered the United States was in or around November 1981, she was unable to explain why her Form I-94 showed a 1982 date. The director also noted that on June 11, 1986, the applicant's father filed Form I-506, Application for Change of Nonimmigrant Status, to change his status from Visitor to Treaty Investor, and that he listed his and his dependents' address in the United Kingdom from April 1980 to September 1982. The applicant was listed as one of his dependents. Based on these records, the director determined that the applicant had not established that she had entered and resided unlawfully in the United States for the requisite period and was therefore ineligible for temporary resident status pursuant to the CSS/Newman Settlement Agreements.

In her Notice of Appeal, the applicant, through counsel, states the following: "The decision denying this application is based on the DAO's inference from the respondent's [sic] testimony. This inference is not based on the totality of the respondent's testimony taken in its totality. This will be addressed in detail in the Brief to this appeal." Counsel indicates that he will submit a brief within 30 calendar days. The applicant did not address the reasons given by the director for denying the application, did not specify any factual error in the director's decision and did not provide any documentation in support of her claim. The Notice of Appeal was filed on September 20, 2006; the AAO sent counsel a facsimile requesting the promised brief on March 11, 2008; as of the date of this decision, no additional evidence or brief has been received by the AAO.

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.