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[REDACTED]

MAY 19 2008

FILE: [REDACTED]
MSC-05-333-11389

Office: NATIONAL BENEFITS CENTER

Date:

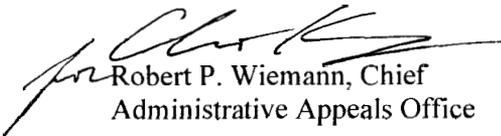
IN RE: Applicant: [REDACTED]

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

The director denied the application because he 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 his Notice of Intent to Deny (NOID), issued November 17, 2005, the director noted that the applicant failed to provide evidence: that he entered the United States before January 1, 1982 and then resided in a continuous unlawful status except for brief absences from before 1982 until the date that he or his parent or spouse was turned away by the Immigration and Naturalization Service (INS) when they tried to apply for legalization; that he was continuously physically present in the United States except for brief casual and innocent departures from November 6, 1986 until the end of the requisite period; and that he is admissible as an immigrant. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. In his Notice of Decision, dated July 11, 2006, the director noted that the applicant submitted additional evidence in support of his application. However, the director found that the applicant's submission, a letter requesting more time to secure proof of the applicant's eligibility, did not overcome his reasons for denial. Because the only evidence submitted by the applicant in support of his application was a copy of his Certificate of Marriage that indicated that he was married on September 4, 2004 in New Jersey, the director found he had not provided any evidence apart from his own testimony as proof that he resided in the United States for the duration of the requisite period. Because the applicant did not submit evidence proving he maintained continuous residence during the requisite period, the director found he did not meet his burden of proof.

On appeal, the applicant states that he has applied for this benefit because he believes his wife is eligible for legalization. He states that his wife resided in the United States during the requisite period and that her father was discouraged from applying for legalization during the original filing period. The applicant did not submit any evidence with his appeal that shows he resided in the United States during the requisite period.

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. It is noted that the applicant's Form I-687 does not show that the applicant resided in or was employed in the United States before December 2001. The applicant did not submit any evidence that he resided in the United States during the requisite period with his Form I-687 or in response to the director's NOID. On appeal, the applicant has not submitted any evidence that he resided in the United States during the requisite period. The appeal must therefore be summarily dismissed.

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