



U.S. Citizenship
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Services

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FILE: [REDACTED]
MSC-06-053-19171

Office: NEW ORLEANS

Date: **MAY 22 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: 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, New Orleans. 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, she stated that on the applicant's Form I-687 she indicated that her first residence in the United States was in Therman, California where she began residing in 1986. She went on to say that at the time of her interview with a Citizenship and Immigration Services (CIS) or the Service officer pursuant to her Form I-687 application on September 28, 2006, the applicant stated under oath that her first entry into the United States was in 1986. It is noted here that the regulation at 8 C.F.R. § 245a.2(b)(1) states that to be eligible to adjust status to that of a temporary resident an applicant must establish that he or she entered the United States prior to January 1, 1982. Here, the applicant has stated that she did not enter the United States until 1986. Therefore, the director found the applicant failed to establish that she was eligible for adjustment of status to that of a temporary resident.

On appeal, the applicant states that she applied for legalization with her husband. She states that she registered in 1986 with her husband but that she did not receive a response from the Service at that time. The applicant failed to submit evidence that she began residing in the United States since before January 1, 1982 with her appeal.

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. Rather than rebutting the director's grounds stated for denial, the applicant has asserted that she did not enter the United States until 1986, which confirms the director's determination that the applicant was not eligible to adjust to temporary resident status. The appeal must therefore be summarily dismissed.

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