



U.S. Citizenship  
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FILE: [REDACTED]  
MSC-05-035-23124

Office: NEW YORK

Date: **MAY 23 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 Records 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.

A handwritten signature in black ink, appearing to read "R. Wiemann", written over a horizontal line.

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, New York District Office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she found that the applicant had failed to prove by a preponderance of the evidence that he has resided in the United States for the requisite periods, is admissible under the provisions of section 245A of the Immigration and Nationality Act, and is otherwise eligible for adjustment of status under this section. Specifically, the director identified inconsistencies between the applicant's oral statements and his statements on the Form I-687 regarding the date on which he began residing in the United States. The director also explained that the applicant was absent from the United States on a trip that exceeded 30 days. This absence occurred prior to the beginning of the original application period for temporary resident status on May 4, 1987. Therefore, this absence interrupts the applicant's continuous residence in the United States. The director indicated that the applicant had failed to address these concerns with additional evidence in his response to the Notice of Intent to Deny issued by the director.

On appeal, the applicant stated that he was in the United States since February 1981, and he tried his best to bring all the proof he has to the attention of the director. The applicant stated that it was very difficult for him to keep documents from 1981. Only affidavits were available to him. It is noted that the record indicates that the applicant failed to provide any affidavits or other documents in support of his application.

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. Nor has he addressed the grounds stated for denial. Specifically, the applicant has failed to explain the inconsistencies raised by the director. The appeal must therefore be summarily dismissed.

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