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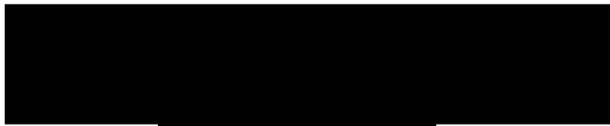
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529-2090
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U.S. Citizenship
and Immigration
Services

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FILE:



MSC-05-251-19392

Office: DENVER

Date:

NOV 06 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 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, your file has been sent to the National Benefits Center. You are not entitled to file a motion to reopen or reconsider your case.

A handwritten signature in blue ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Denver, 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 applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), on June 8, 2005, and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet dated October 10, 2005 (together comprising the I-687 Application). The director found that the applicant had failed to establish by a preponderance of the evidence that he had continuously resided in the United States in an unlawful status for the duration of the requisite period. The director specifically noted that the applicant had submitted only two affidavits as proof of his continuous residence, that they contained information inconsistent with other information provided by the affiant or were not sufficiently detailed, and that the applicant admitted to an absence of over 45 days during the requisite period of residence.¹

On appeal, the applicant submits a statement in which he explains some of the inconsistencies noted by the director in the two affidavits he submitted. He adds that his life is in danger if he were to return to Uganda. The applicant did not submit any additional evidence on appeal to support his claim of residence or presence in the United States during the requisite period. Moreover, his admitted absence of over 45 days represents a break in any continuous residence he may have established.

The applicant did not address the reasons given by the director for denying the application and did not provide evidence of any factual or legal error in the director's decision.

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.

¹ The director also found that the applicant had failed to establish that he was a CSS/Newman class member. This finding was made in error, but did not prejudice the applicant. The AAO notes that as the applicant's I-687 Application was adjudicated pursuant to the CSS/Newman Settlement Agreements, class membership was not denied and class membership was not at issue in this case.