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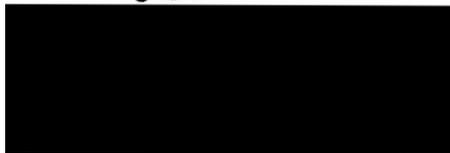


U.S. Department of Homeland Security
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Washington, D.C. 20529-2090
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-06-006-11013

Office: NEW YORK

Date: NOV 20 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. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, 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.

A handwritten signature in black ink, appearing to read "John F. Grissom".

John F. Grissom, Acting 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, or *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, and 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), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet to U.S. Citizenship and Immigration Services (CIS). The director denied the application, finding that the applicant had not satisfied the preponderance of the evidence standard that he had continuously resided in the United States in an unlawful status for the duration of the requisite period.

The director noted in her Notice of Intent to Deny (NOID) dated July 12, 2006 that there were multiple inconsistencies regarding the applicant's residences and employment history in the United States and conflicting dates of absence from the United States in 1987, and that the applicant provided no evidentiary proof to show that he actually entered the United States prior to January 1, 1982. In her final decision, the director found that the information submitted in response to the NOID was insufficient to overcome the grounds for denial listed in the NOID, and denied the application.

The record indicates that the applicant has not submitted any evidence to explain the inconsistencies and discrepancies of record. It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the applicant submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). The inconsistencies cast doubt on the applicant's claim that he has resided in the United States throughout the requisite period.

On appeal, the applicant asserts that he has submitted sufficient credible evidence that he entered the United States before January 1, 1982 and had continuously resided in an unlawful status since that date through March 1988, the date he attempted to file the legalization application. The record indicates that the applicant waived his right to submit a written brief or statement.

The applicant provided no additional evidence or explanation to overcome the reasons for denial 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. The appeal must therefore be summarily dismissed.

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