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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-05-168-12026

Office: NEW YORK

Date: NOV 24 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. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed or rejected, 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) that the applicant had not submitted credible evidence regarding his residence in the United States during the statutory period and gave him 30 days whereby he could submit additional evidence. In response to the NOID, the applicant submitted a signed letter stating that he could not provide corroborative evidence as to his entry into the United States in 1981 and continuous residence in the United States throughout the requisite period. The director concluded in her final decision that the letter submitted in response to the NOID was insufficient to overcome the grounds for denial listed in the NOID and denied the application.

On appeal, the applicant asserts that he has submitted sufficient credible evidence to establish continuous residence in the United States in an unlawful status throughout the requisite period and claims that the CIS examiner failed to give appropriate consideration to the evidence that he submitted. The record also reflects that the applicant waives his right to submit a written brief or statement.

Pursuant to 8 C.F.R. § 245a.2(d)(6) regarding the sufficiency of evidence, the applicant is required to provide evidence of eligibility apart from his or her own testimony to meet the burden of proof by a preponderance of the evidence. In this case, the applicant submitted only one declaration to establish that he entered the United States before January 1, 1982, and has resided continuously in the United States throughout 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. 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.