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U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

MSC-06-095-16132

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:

[REDACTED]

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.


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 director denied the application, finding that the applicant had failed to submit documents that would constitute a preponderance of evidence as to her residence in the United States during the statutory period. Specifically, the applicant had not submitted credible evidence to support her claim that she entered the United States before January 1, 1982 and has resided continuously in the United States in an unlawful status throughout the requisite period.

On appeal, the applicant submits five photocopies of her pictures and claims they were taken during the requisite period in the United States. Counsel for the applicant on appeal states that the director has erred in denying the applicant's case and asserts that the applicant has been residing in the United States since May 12, 1981 and has furnished sufficient evidence to meet her burden of proof. On appeal, counsel also indicates that the applicant could not submit other relevant evidence due to her unlawful status in the United States throughout the requisite period. No other evidence is submitted.

The pictures submitted by the applicant on appeal fail to establish that she continuously resided in the United States throughout the requisite period, and do not overcome the grounds for the director's denial. While such pictures may show that the applicant was actually in the United States between a certain date before January 1, 1982 and the date when she filed the application for temporary resident status, the pictures, by themselves, do not add additional information about the applicant's continuous residence in the United States. Moreover, none of the pictures show any date and place where and where they were taken.

The applicant fails to specifically address the director's analysis of the evidence and does not furnish any additional relevant evidence.

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.