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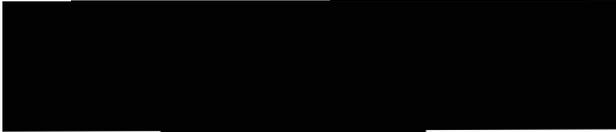
U.S. Department of Homeland Security  
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U.S. Citizenship  
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LI



FILE:

MSC-06-045-14565

Office: FRESNO

Date: NOV 25 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:



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. 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 "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, 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, Fresno, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The applicant must establish entry into the United States before January 1, 1982, and continuous residence in the United States since such date through the date the application is considered filed pursuant to the CSS/Newman Settlement Agreements. Section 245A(a)(2) of the Immigration and Nationality Act (Act), 8 U.S.C. § 1255a(a)(2).

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Act, and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet, on November 14, 2005. On January 16, 2007, the director denied the application after determining that the applicant had not established 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 noted that the applicant was not statutorily eligible for the immigration benefit sought due to the fact that, as he indicated under penalty of perjury on his Form I-589, Request for Asylum in the United States, that he was residing in India, not the United States, in 1981, that he moved to Iraq to work for Mitsubishi from 1981 to 1982, and that he returned to India joining the Sikh religion until 1996 when he traveled to the United States on a B-2 visa.<sup>1</sup> The director denied the application, finding that the applicant was not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, counsel asserts that the applicant has submitted affidavits sufficient to establish his continuous unlawful residence in the United States since before January 1, 1982. The applicant does not submit any evidence on appeal. Contrary to counsel's claim, the record of proceeding does not contain any affidavits submitted on behalf of the applicant.

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.

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<sup>1</sup> The AAO notes that the applicant testified under oath during his asylum and removal hearing before Judge [REDACTED] on March 31, 1999 that he traveled to Iraq from India to work for Mitsubishi from 1981 to 1982, and returned to India in 1982 until December of 1996 when he fled his country due to claimed harassment and death threats from the Indian security forces and the police. In contrast, the applicant represented on his Form I-687 Application that he resided in the United States during this period. Consequently, the applicant may be ineligible to adjust to temporary residence under section 245A of the Act on this basis as well. Doubt cast on any aspect of the evidence may lead to a reevaluation of the reliability and sufficiency of the remaining evidence. See *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

A review of the director's decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented any evidence to overcome the director's decision. Nor has he specifically 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