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U.S. Citizenship
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[Redacted]

FILE: [Redacted] MSC-05-223-10824

Office: NEW YORK Date: **NOV 26 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. 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.


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, New York and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she found the evidence submitted with the application was insufficient to establish eligibility for Temporary Resident Status pursuant to the terms of the CSS/Newman settlement agreements. Specifically, the director noted that the applicant submitted affidavits in support of his claim of continuous residency. However, none of the affiants indicated with sufficient detail that they had direct personal knowledge of the applicant's residence in the United States for the duration of the requisite period. The director noted that, in addition to the other deficiencies noted, the affidavits from [REDACTED] and [REDACTED], provided by the applicant in response to the Notice of Intent to Deny (NOID) which was issued to the applicant on February 8, 2006, are not amenable to verification because no contact information is provided. Given the paucity of evidence in the record, the director concluded that the applicant failed to establish eligibility for the benefit sought and denied the application on August 30, 2006.

On appeal, the applicant indicates that the passage of time has made it difficult to provide evidence. He submits only the telephone numbers of the two affiants noted above. While the director did note that the affidavits are not amenable to verification, she also noted that the affidavits from [REDACTED] and [REDACTED] are not detailed or credible. **The affiants do not indicate how they date their acquaintance with the applicant, where the applicant lived during the requisite period, or provide sufficient detail which is probative of the applicant's continuous residency.**

On appeal, the applicant has failed to submit any additional evidence, apart from the telephone numbers of the affiants, which would establish his entry prior to January 1, 1982 and his continuous residency in the United States for the duration of 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 sufficiently 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.