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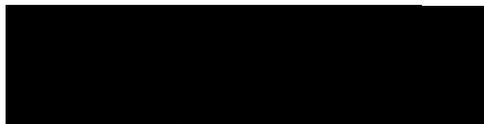
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
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U.S. Citizenship
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FILE: [REDACTED]
MSC-05-005-10194

Office: LOS ANGELES

Date: OCT 01 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. 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.


Robert P. Wiemann, 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, Los Angeles. The decision 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, in her Notice of Intent to Deny (NOID), the director stated that though the applicant submitted evidence in support of his application including affidavits, during his interview with a Citizenship and Immigration Services (CIS) officer he did not provide testimony that was consistent with the affidavits he submitted. The director also noted that though the applicant stated that he went to school during the requisite period, he did not submit a transcript from that school. The director granted the applicant 30 days to overcome these discrepancies. Though the applicant submitted a rebuttal to the NOID, the director found this rebuttal did not overcome her reasons for the denial of the application.

It is noted that the director raised the issue of class membership in the decision. Since the application was considered on the merits, the director is found not to have denied the applicant's claim of class membership.

On appeal, the applicant states that the school that he attended during the elementary school does not provide transcripts. However, he does not submit evidence in support of this claim. He asserts that he has previously submitted affidavits in support of his application and that because he was a minor during the requisite period, he does not have contemporaneous documentation as proof of his residence. He states that he did submit affidavits from individuals who, though they met him after 1982, stated that they personally knew that he resided in the United States since 1981. However, he states that though he met them after 1982, they were aware that he resided in the United States prior to that date.

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. Though the applicant has attempted to explain why he submitted evidence that is inconsistent with the testimony he provided during his interview, he did not submit any evidence that he resided in the United States prior to January 1, 1982. The appeal must therefore be summarily dismissed.

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