

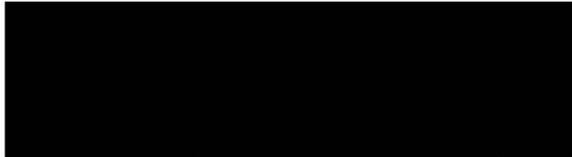
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:

MSC-06-080-12518

Office: LOS ANGELES

Date:

OCT 01 2008

IN RE:

Applicant:



APPLICATION:

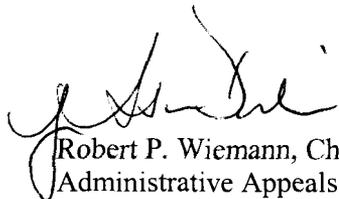
Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

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, the director stated that though the applicant submitted affidavits in support of his claim that he maintained continuous residence in the United States during the requisite period, these affidavits lacked detail and did not satisfy his burden of proof. The director went on to state that the record was not consistent regarding when the applicant first entered the United States. Though he claimed that he first entered the United States prior to January 1, 1982 when he applied for temporary resident status, during his 1997 interview pursuant to his Form I-589 Application for Asylum and for Withholding of Deportation, the applicant stated that he first entered the United States in April 1989. The director further noted that the applicant was married in Mexico in April 1983 and that he had a child born in Mexico in December 1983.

On appeal, the applicant states that he first entered the United States in 1981 and that he last entered on July 23, 1987. He claims that he was married in 1983 using "a power of attorney." He asserts that he was paid in cash and that therefore he has submitted affidavits as support of his residence in the United States. He goes on to assert that a notary public made him apply for asylum and he did not read the application prior to submitting it. He states that he was the victim of fraud.

It is noted that the applicant's explanation on appeal that a notary completed his Form I-589 does not account for his own testimony in 1997, when he stated that his first entry into the United States was in April 1989.

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. The applicant has failed to address the director's statement that the affidavits that he submitted in support of his application lacked detail. The appeal must therefore be summarily dismissed.

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