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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-06-101-22682

Office: LOS ANGELES

Date: OCT 01 2008

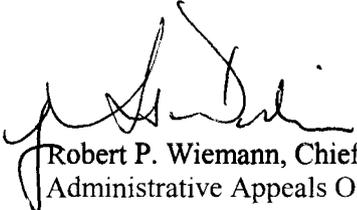
IN RE: Applicant: [REDACTED]

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, the director stated that during her interview with a Citizenship and Immigration Services (CIS) officer pursuant to her Form I-687 application, the applicant testified that she was absent from the United States from January 1986 until January 27, 1987, which constitutes a break in her continuous residence in the United States during the requisite period. The director further noted that the applicant's testimony regarding when she first met affiants from whom she submitted evidence was not consistent with the affiant's testimony regarding the dates they first met her. The director stated that these inconsistencies caused the applicant to fail to satisfy her burden of proof.

On appeal, the applicant states that the reason that her testimony was not credible was that she does not speak or understand English. She states that she did not know what the officer was saying at the time of her interview. She furthest states that she was not advised that she needed to attend school for 40 hours to study English and American History. It is noted that this is a requirement for those applying for permanent resident status rather than temporary resident status. The applicant goes on to state that had she submitted proof that she had completed this course of study, she could have been interviewed with an interpreter. The applicant requests that she be afforded an opportunity to be interviewed with an interpreter.

The record reveals that the applicant used an interpreter during her interview. The record contains a photocopy of the interpreter's identity documents and proof that the interpreter was sworn in and interpreted during the course of the applicant's interview with CIS.

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 in support of her application. Though the applicant has referred to the grounds stated for denial, her explanation for the inconsistencies noted by the director, the absence of an interpreter at the interview, is not supported by the record. The appeal must therefore be summarily dismissed.

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