

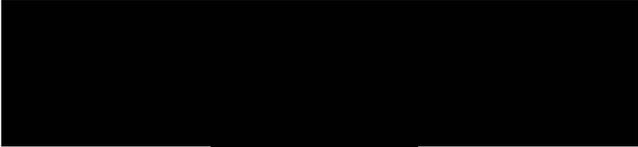
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U.S. Department of Homeland Security
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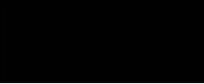
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FILE:



Office: LOS ANGELES

Date:

OCT 02 2008

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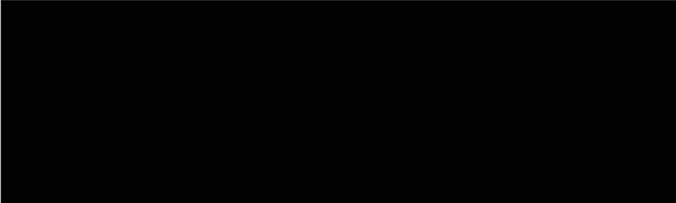
IN RE: Applicant:



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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: Approval of 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 terminated by the Director, Los Angeles. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director terminated approval of the application because the applicant did not establish that she continuously resided in the United States for the duration of the requisite period. In so finding, the director cited various conflicts between the applicant's assertions and the evidence, including (1) the applicant's admission, oral and in writing, at an interview conducted on November 8, 1997, that she entered the United States during 1987, and (2) the applicant's assertion that she was in the United States from December 1984 to August 1987, as opposed to the evidence that the applicant gave birth to a child in Guatemala on January 21, 1985.

The body of the applicant's Form I-694 appeal reads, in its entirety,

The cumulative weight of the evidence submitted, is sufficient to clearly establish the Applicant's eligibility for the LIFE Act. The Applicant proved her eligibility by at least a preponderance of the evidence, from various independent sources. Moreover, the Applicant's short absences from the country were "brief, casual, and innocent" as used in 8 U.S.C.S. § 1255a(3)(B), since the Applicant had every intent of returning to the US and only left for short periods of time. (See enclosed supporting documentation)

However, the applicant failed to specifically address the director's analysis of the evidence and the contradictions between the applicant's assertions and the evidence, and did not furnish any additional evidence.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals that the director accurately set forth a legitimate basis for termination of approval of the application. On appeal, the applicant has not presented additional evidence or 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.