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U.S. Citizenship
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FILE:



consolidated]
MSC-05-244-13944

Office: NEW YORK

Date:

OCT 16 2008

IN RE:

Applicant:



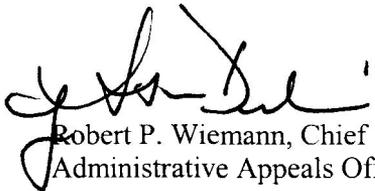
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed or rejected, 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.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, New York, denied the application for temporary resident status made 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). 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 that 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. The director also found that there were material inconsistencies in the record. Specifically, the director noted that a file had been located which related to the applicant and which contained a Form I-589 application and related documents. This file contained information which contradicted information provided by the applicant in connection with his Form I-687 application. Specifically, the applicant stated on his Form I-589 application that he attended school in Nigeria from 1984 until 1990. The applicant also indicated that he departed his native Nigeria in 1997.

On appeal, the applicant admits that the information in his Form I-589 application is not true. The applicant states that only the Form I-687 application and supporting documentation should be considered. The applicant also states that he has submitted “new evidence” with his appeal. However, this “new evidence” consists of a letter from Saint Vincent Catholic Medical Centers, dated December 29, 2006, which states that they received a request for the applicant’s medical records but that no such records are available. This letter is not probative of the applicant’s residence in the United States during 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 legitimate bases for denial of the application. On appeal, the applicant has not presented additional evidence to demonstrate his residence in the United States during the requisite period, and has not resolved the material inconsistencies in the record noted by the director. The appeal must therefore be summarily dismissed.

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