

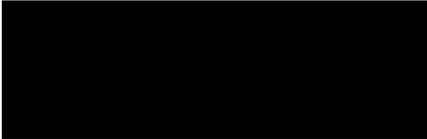
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U.S. Citizenship
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FILE: [REDACTED] Office: NEW YORK Date: OCT 16 2008
MSC 06-102-18873

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.

A handwritten signature in black ink, appearing to be "Robert P. Wiemann".

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 District Director, New York, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The applicant must establish entry into the United States before January 1, 1982, and continuous residence in the United States since such date through the date the application is considered filed pursuant to the CSS/Newman Settlement Agreements. Section 245A(a)(2) of the Immigration and Nationality Act (Act), 8 U.S.C. § 1255a(a)(2).

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Act, and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet, on January 10, 2005. The director denied the application on March 19, 2007, after determining that the applicant had not established by a preponderance of the evidence that he had continuously resided in the United States in an unlawful status for the duration of the requisite period. The director noted that the applicant had failed to submit any evidence or testimony in response to the Notice of Intent to Deny (NOID). The director denied the application based upon the grounds specified in the NOID. In the NOID the director noted that the applicant had failed to provide an explanation for his multiple absences from the United States during the requisite period. The director also noted in the NOID that the affidavits submitted by the applicant lacked specificity, were not corroborated by other evidence in the record, and were not credible.

On appeal, the applicant asserts that he is eligible for temporary resident status and that the documents that he has submitted are sufficient to support his claim. He states that he came to the United States as a child with his parents who have since returned to their country. He also states that he provided evidence of his school attendance in the United States from September of 1981 to December of 1989, and a copy of a lease agreement for his residence in Brooklyn, New York that was dated 1988 through 1989. The school letter is not accompanied by any academic or attendance records and the lease agreement is not in the applicant's name. The applicant further states that his primary language is Hebrew and that he did not fully understand all the questions presented to him by the immigration officers during his interview. He states that the interviewing officer mistakenly thought that the applicant was frequently absent from the United States, when in fact it was his father who was consistently absent. He submits no additional evidence or argument. To meet his burden of proof, the applicant must provide evidence of eligibility apart from his own testimony. 8 C.F.R. § 245a.2(d)(6).

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 director's decision reveals that the director accurately set forth a legitimate basis for denial of the application. On

appeal, the applicant has not presented any evidence to overcome the director's denial. Nor has he 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.