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U.S. Citizenship
and Immigration
Services

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FILE:

MSC-06-102-11258

Office: LOS ANGELES

Date: OCT 17 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 noted that while the applicant stated that she first entered the United States on April 15, 1981 during her interview with a Citizenship and Immigration Services officer on November 22, 2006, this was not consistent with other evidence in the record. The applicant's Form I-130 Petition for Alien Relative dated April 23, 2001 indicates that she first entered the United States in 1982. **This inconsistency casts doubt on the credibility of the applicant's current claim that she entered the United States prior to 1982.** Though the director noted other evidence submitted by the applicant in support of her application, the director found that the applicant failed to establish that she was eligible to adjust to Temporary Resident status pursuant to the CSS/Newman Settlement Agreements.

On appeal, the applicant submits previously submitted evidence and a statement. In the statement, the applicant asserts her brother was not eligible to file the Form I-130 for her and asserts that an officer likely completed the form incorrectly. She states that she did enter the United States in 1981 with her mother but that she has no proof of this entry because she entered on her mother's passport. She goes on to state that she will send additional evidence in support of her application from individuals who will return to the United States in January 2007. However, as of the date of this decision, such evidence is not in the record. Therefore, the record will be considered complete.

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. Though the applicant has submitted a statement asserting that she entered the United States in 1981, she has not submitted evidence that she did so. The appeal must therefore be summarily dismissed.

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