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U.S. Citizenship
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Services

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[REDACTED]

FILE:

[REDACTED]

Office: NEW JERSEY

Date: OCT 24 2008

MSC 05 223 10014

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-REPRESENTED¹

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

¹ The applicant provided a Form G-28, Notice of Entry of Appearance as Attorney, listing [REDACTED] as the applicant's attorney. It is noted that on April 19, 2007, in the United States District Court for the District of New Jersey, [REDACTED] pled guilty and was convicted of fraud and misuse of visas/permits in violation of 18 U.S.C. § 1546(a). On May 18, 2007, [REDACTED] was expelled from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security. As a result, [REDACTED]'s representation will not be recognized by the Administrative Appeals Office and the applicant shall be considered self-represented.

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, New Jersey. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

On December 18, 2006, the director denied the application, noting that the applicant had failed to submit a rebuttal or additional evidence for consideration in response to a Notice of Intent to Deny (NOID) issued on August 11, 2006. The director denied the application for the reasons stated in the NOID. In the NOID, the director noted that the applicant had submitted numerous documents showing the applicant's residence in the United States subsequent to the statutory required time period from prior to January 1, 1982 until the date the applicant (or his parent or spouse) tried to apply for legalization during 1987/1988. The director also noted that the affidavits submitted on the applicant's behalf did not include sufficient details regarding the affiants' relationship and their interactions with the applicant or did not include declarations regarding the applicant's continuous residence in the United States from prior to January 1, 1982 and continuing for the requisite time period. The director further noted a photocopy of a New Jersey State lottery ticket dated November 29, 1984 but found that the lottery ticket did not include information verifying that the applicant purchased the ticket. Upon review, the director found that the record did not contain sufficient information to establish that the applicant had continuously resided in the United States from prior to January 1, 1982 to May 4, 1988 or the date the applicant attempted to file the application. The director concluded that the applicant had not met his burden of proof and was, therefore not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, the applicant asserts: that the immigration officer wrongly denied the application; that the application was accompanied by income tax forms for 16 consecutive years and a social security statement including the last 16 years; birth certificates for two U.S. born children; school documents; a marriage certificate; bank statements; utility bills; and affidavits from family members.

The AAO finds that the income tax forms and the social security statement begin with the year 1991, a time period not relevant to establishing entry into the United States prior to January 1, 1982 and not relevant to establishing continuous residence for the requisite time period. Likewise, the applicant's marriage certificate,² dated in November 7, 1997, does not substantiate that the applicant resided in the United States during the applicable time period. Similarly, the bank statements, medical records, and utility bills are dated subsequent to the relevant time period. The affidavits submitted that indicate the affiants met the applicant in 1981, as the director determined, do not provide any details that demonstrate personal knowledge of the applicant's alleged 1981 entry to the United States, his places of residence for the requisite time period, or the circumstances of his residence over the years of their claimed relationships. Lacking relevant details, these affidavits have minimal probative value. The affidavits submitted that indicate the affiants met the applicant in 1983, 1985, or 1987 do not establish that the applicant entered the United States prior to

² Although referenced on appeal, the record does not include the applicant's children's birth certificates and does not contain school records.

January 1, 1982, thus lack probative value in demonstrating the applicant's entry date and continuous residence for the required applicable time period.

The director, in this matter, considered the evidence of record and properly determined that the information submitted did not establish the applicant's entry into the United States prior to January 1, 1982 through the requisite time period. The applicant has not specifically addressed the director's analysis of the evidence regarding the applicant's entry into the United States prior to January 1, 1982 and his continuous residence in the United States for the requisite time period on appeal. Thus, the applicant has not identified a basis for the appeal.

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 the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not addressed the grounds stated for denial, nor has he presented additional evidence. The appeal must therefore be summarily dismissed.

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