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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

[REDACTED]

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FILE: [REDACTED] MSC-06-053-19982

Office: LOS ANGELES

Date: **OCT 30 2008**

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:
[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office on your appeal. You no longer have a case pending before this office. If your appeal was sustained or the matter was remanded for further action, your file has been returned to the office that originally decided your case, and you will be contacted. If your appeal was dismissed or rejected, your file has been sent to the National Benefits Center. You are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The District Director, Los Angeles, denied the application for temporary resident status filed 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 the applicant did not provide credible evidence of entry into the United States prior to January 1, 1982 or continuous unlawful residence during the requisite period. The director noted specifically that the applicant furnished no documentation in support of his claim of residency other than three affidavits and envelopes postmarked in 1986 and 1987, and that the affidavits and the applicant's testimony were inconsistent. The director determined that the applicant had not met his burden of establishing by a preponderance of the evidence that he had entered and resided unlawfully in the United States for the requisite period and that he was therefore ineligible for temporary resident status pursuant to the CSS/Newman Settlement Agreements.

In his Notice of Appeal, the applicant states that he believes he is eligible to apply for legalization under the CSS/Newman Settlement Agreements and that the three affidavits he submitted clearly established "periodically personal knowledge of knowing [him] since 1981." The applicant added that his CSS Class Membership Application should be granted. The AAO notes that the applicant's class membership was granted and that class membership was not at issue in this case. The applicant did not address the reasons given by the director for denying the application and did not specify any factual error in the director's decision and did not provide any additional documentation in support of his claim.

Any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. 8 C.F.R. § 103.3(a)(3)(iv). 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 and has not 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.