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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

PUBLIC COPY

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FILE:

MSC-06-098-17955

Office: SAN DIEGO

Date:

OCT 30 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. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, 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 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 Field Office Director, San Diego, and that decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because he 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 the applicant indicated that she entered the United States in approximately 1975 when she was eight years old, and that she attended Broadway Elementary School but she was unable to provide school records to confirm her assertion.

On appeal, the applicant states, "Please note that I went to school during 1974 & 1975 then we left to Mexico and came back. My mother said that it was approximately at the end of 1980, I could not attend school because we were extremely poor and my mother was working two jobs."

Additionally, the applicant submits a letter on Los Angeles Unified School District letterhead indicating that the applicant attended Nora Sterry Elementary School from October 14, 1974 until April 1975 when the family returned to Mexico. This is contradictory to the applicant's testimony that she attended Broadway Elementary School, and does not confirm her residency during the requisite period since the letter clearly indicates that the applicant left the school in 1975. On appeal, the applicant does not provide any additional information or evidence which is relevant to her continuous residency during the relevant period.

Additionally, it is noted that in her November 17, 2006 interview with Citizenship and Immigration Services (CIS) in connection with this application, the applicant indicated that she was married in Mexico in 1986 and she had a child in Mexico in 1987.

Since the applicant has failed to meet the burden of proof by a preponderance of the evidence that she resided continuously in the United States for the requisite period, the appeal will be dismissed.

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 addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

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