

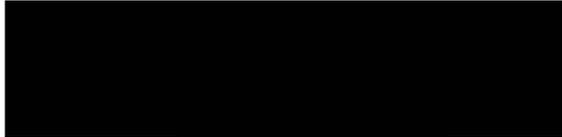


U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

41

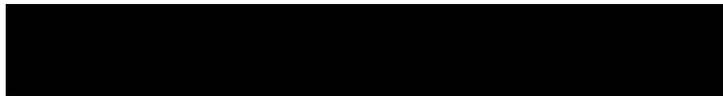


FILE: [Redacted] MSC-06-095-10956

Office: LOS ANGELES

Date: **OCT 31 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:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case 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.

A handwritten signature in black ink, appearing to read "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 Field Office Director, Los Angeles, and that 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 the applicant indicated that he entered the United States in March or April of 1981 and rented various rooms with other individuals throughout the relevant period. The director noted that the applicant indicated that he had lost contact with all of these people except one, [REDACTED]. No evidence was submitted from [REDACTED]. The director noted that the only evidence submitted was an affidavit from [REDACTED]. She indicated that she met the applicant in 1981 at a family reunion, however, she did not indicate that she had direct personal knowledge of the applicant's residency in the United States for the requisite period. Thus, the director noted that the applicant failed to provide sufficient evidence of his continuous residency for the relevant period.

On appeal, the applicant states, "I appeal the decision to close my application for temporary resident Form I-687. I request for my application to be re-opened/re-instated because I believe I provided strong independent and bona fide witnesses that I had shared rented living quarters; working in the same locations; were acquainted with my witnesses through social and church related activities through the years between 1981-1988." The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application.

Since the applicant has failed to meet the burden of proof by a preponderance of the evidence that he 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.