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

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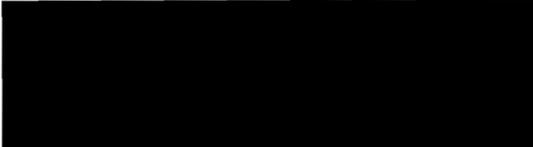
Date: SEP 02 2008

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:



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.

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 District Director, Newark. The 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 applicant did not submit any evidence of entry or residence in the United States prior to January 1, 1982 as required by Section 245A(a)(2) of the Act, 8 U.S.C. § 1255a(a)(2). It is noted that the applicant did submit extensive evidence of residency in the United States for the period following his October 25, 1985 entry which is confirmed by an admission stamp from United States Immigration and Naturalization (INS) New York, New York.

On appeal, counsel for the applicant asserts that the applicant has submitted all available evidence to satisfy his burden of proof since in the early 1980's the applicant was ". . . a young man, all alone in the United States, who worked odd jobs and lived with various people." Counsel requests that Citizenship and Immigration Services (CIS) take into consideration the considerable amount of time that has passed. Counsel does not provide any explanation or additional evidence that would overcome the stated reasons for denial.

Since the applicant has failed to meet the burden of proof by a preponderance of the evidence that he entered the United States prior to January 1, 1982 and 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 presented additional evidence. Nor has he 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.