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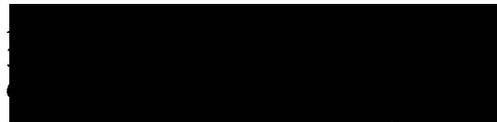
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: MSC-06-095-11941

Office: SAN DIEGO

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:

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 "R. 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 District Director, San Diego. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet. The director determined that the applicant had not established by a preponderance of the evidence that he had continuously resided in the United States in an unlawful status for the duration of the requisite period. The director denied the application, finding 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.

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, at Part 30 of the Form I-687 application, applicants were asked to list all addresses in the United States. The applicant indicated that he lived at 127 West St. in San Diego, California. He did not indicate the date that he began living at that address. Additionally, he did not list any employers or associations on his application. The only evidence submitted consisted of five affidavits. None of the affiants indicated an address where the applicant resided during the requisite period. Furthermore, four of the five affiants indicated that they currently reside in Mexico, and resided in Mexico during the relevant period. They learned of the applicant's residence in the United States by talking to him or his parents on the telephone, thereby indicating that they did not have personal, direct knowledge of the applicant's residence in the United States during the requisite period. The affiant who was living in the United States during the requisite period does not establish when the applicant arrived in the United States or his continuous unlawful presence throughout the requisite period.

On appeal, the applicant asserts that the evidence submitted establishes that he continuously resided in the United States during the requisite period. He provides no additional information or evidence in support of his claim of eligibility.

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.

It is also noted that the record indicates that the applicant was arrested on February 1, 2003 for DUI. The applicant has not submitted court documents evidencing the final disposition relating to this arrest.

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.