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U.S. Citizenship  
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FILE: [REDACTED]  
MSC-05-188-14351

Office: LOS ANGELES Date: SEP 05 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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

*for Michael T. Kelly*  
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, Los Angeles. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily 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, on April 6, 2005 (together, the I-687 Application). 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, specifically noting that the applicant failed to overcome the grounds for denial as stated in the director's October 20, 2005 notice of intent to deny (NOID). In her NOID, the director stated that it is the applicant's burden to prove "by a preponderance of the evidence" that he resided in the United States for the requisite period. The director denied the application as 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.

On appeal, the applicant submits a timely Form I-694 Notice of Appeal of Decision Under Section 210 or 245A, a written statement, and copies of [REDACTED] cancelled and current passports. On appeal, the applicant states that he "first entered the United States in October 1981." The applicant also states that his application was denied because the affidavit that he submitted did not include the affiant's "proof of residency in the United States between 1981 and 1988." As of this date, the AAO has not received any additional evidence from counsel or the applicant. Therefore, the record is complete.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. The applicant appears to have misunderstood the basis of the director's denial. As noted above, the applicant states that his application was denied because he did not provide evidence of his affiant's residence in the United States during the requisite period. However, as stated in the director's NOID, the applicant failed to meet his burden of proof by a "preponderance of the evidence." In adjudicating the application pursuant to the preponderance of the evidence standard, the director must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.

In this case, the absence of sufficient credible and probative documentation to corroborate the applicant's claim of continuous residence for the requisite period seriously detracts from the credibility of his claim. The AAO notes that the record of proceeding contains only one form-letter affidavit from [REDACTED] in support of the applicant's Form I-687. Pursuant to 8 C.F.R. § 245a.2(d)(5), the inference to be drawn from the documentation provided shall depend on the

extent of the documentation, its credibility and amenability to verification. Finding insufficient supporting documentation, the director concluded that the applicant failed to establish by a preponderance of the evidence that he has continuously resided in an unlawful status in the United States for the requisite period, as required under both 8 C.F.R. § 245a.2(d)(5) and *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm. 1989).

On appeal, the applicant has not presented new evidence other than copies of [REDACTED] cancelled and current United States passports. The applicant has not submitted any additional evidence in support of his claim that he was in the United States during the requisite period. The applicant fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the application. Nor has he specifically addressed the basis for denial. As the applicant presents no additional evidence on appeal that overcomes the decision of the director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(3)(iv).

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