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U.S. Citizenship
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Services

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FILE: [REDACTED]
MSC-05-239-13001

Office: SEATTLE (TUKWILA)

Date: **SEP 22 2008**

IN RE: Applicant: [REDACTED]

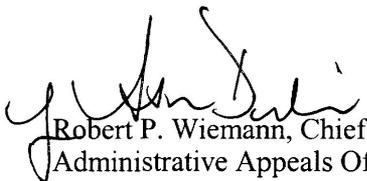
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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.


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, Seattle. 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 director stated that the evidence in the record was not consistent regarding the dates the applicant resided at an address in Turlock, California. As an example of this, the director noted that the affidavit from [REDACTED] states that the applicant resided at an address on [REDACTED] in Turlock, California from 1981 until 2004. However, the applicant's Form I-687 states that he resided on Ironwood Drive in Turlock from 1981 until 1988. The director stated that though the applicant submitted declarations from individuals in support of his application, these declarations were not consistent with other evidence in the record. He further stated that the affidavits submitted by the applicant were not sufficiently detailed to allow the applicant to meet his burden of proof.

On appeal, the applicant asserts that he has previously submitted the required evidence to satisfy his burden of proving that he resided in the United States for the duration of the requisite period. He notes that though one affiant stated he resided on Ironwood Road when they should have stated he resided on Ironwood Drive, this was a writing mistake and should not negatively impact the statements made in his affidavit. He goes on to say that the affidavit from [REDACTED] actually states that the affiant has known the applicant since 1981 until the present and that he resided on [REDACTED] from 1981 until 1988. The AAO notes that this affidavit actually states that the applicant resided at this address from 1981 and continued to do so until the date she submitted her affidavit, which was May 7, 2004. The applicant states that he would like Citizenship and Immigration Services to approve his application.

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.