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U.S. Citizenship
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[REDACTED]

FILE: [REDACTED]
MSC-06-101-19593

Office: LOS ANGELES

Date: SEP 29 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.

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 District. 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 January 9, 2006 (together, the I-687 Application). The director determined that the applicant had not established by a preponderance of the evidence that she had continuously resided in the United States in an unlawful status for the duration of the requisite period, specifically noting that the applicant left the United States on at least three occasions despite only mentioning one departure in the Form I-687. The three departures do not include trips to Mexico where the applicant gave birth to a daughter on October 30, 1981 and to a son on November 22, 1982. The director denied the application as the applicant had not met her 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 submitted a timely Form I-694 Notice of Appeal of Decision Under Section 210 or 245A, a copy of a statement already in the record of proceeding, and statements from declarants nearly identical to ones already in the record of proceeding for those same declarants.¹ The applicant states that she “worked for cash, [has] no record of taxes, [and has] no receipts nor bill[s] in [her] name.” The applicant also states that she has submitted declarations of persons who knew her in the United States beginning in 1980. The AAO notes that the record of proceeding contains several affidavits and declarations, however, none of these statements provide details sufficient to lend credibility to a long-term relationship with the applicant. The applicant adds that she submitted pictures taken from 1978 – 1988. There are no pictures in the record of proceeding. As of this date, the AAO has not received any additional evidence. 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. On appeal, the applicant has not presented additional evidence. The applicant fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the application. Nor has she specifically addressed the basis for denial. As the applicant presents no additional evidence on appeal to overcome the decision of the director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(3)(iv).

¹ The applicant submitted several statements in Spanish, one of which was not signed by the declarant. Because the applicant failed to submit certified translations of the documents, the AAO cannot determine whether the evidence supports the petitioner's claims. See 8 C.F.R. § 103.2(b)(3). Accordingly, the evidence is not probative and will not be accorded any weight in this proceeding.

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