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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

PUBLIC COPY



FILE: [REDACTED]
MSC-06-098-22941

Office: NEW YORK 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.

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, New York. 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. The director noted that the evidence submitted lacked sufficient detail to establish that the applicant entered the United States prior to January 1, 1982 and resided continuously in the United States throughout the relevant period.

Specifically, the director noted that the applicant submitted three affidavits that lack critical information such as where the applicant lived, how the affiant dated their acquaintance, and how frequently the affiant saw the applicant. None of the affidavits are dated or notarized. The director also noted that the applicant submitted an asylum application, including a Form G-325A biographic information, in which the applicant indicated that he lived in Gambia until October 1991 when he then entered the United States.

On appeal, the applicant fails to address the director's findings. Instead, the applicant submits one additional affidavit, from [REDACTED]. In this affidavit, the affiant indicates that he has known the applicant since 1981 when they sold merchandise together on the corner of [REDACTED] and [REDACTED]. He does not indicate how he dates his acquaintance with the applicant, where the applicant lived at the time, or any other relevant information.

The applicant provided no additional evidence or explanation to overcome the reasons for denial of 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 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.