



U.S. Citizenship
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FILE: [REDACTED] Office: CINCINNATI Date: **JUL 17 2007**
MSC-05-075-21235

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. All documents have 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 or rejected, 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.

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, Cleveland, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

An applicant for temporary resident status must establish entry into the United States before January 1, 1982, and continuous residence in the United States in an unlawful status since such date and through the date the application is filed. Section 245A(a)(2) of the Immigration and Nationality Act (Act), 8 U.S.C. § 1255a(a)(2).

An alien applying for adjustment of status has the burden of proving by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States under the provisions of section 245A of the Act, and is otherwise eligible for adjustment of status. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. 8 C.F.R. § 245a.2(d)(5).

On January 20, 2006, the director issued a notice of intent to deny, which provides, “[y]ou testified that you entered the United States in September of 1981 and that you continually resided in the United States until you departed for a trip to Senegal in October 2004. You submitted no evidence to substantiate your testimony regarding your entry and presence in the United States.” In response to this notice, the applicant submitted a notarized statement from [REDACTED], which provides that he first met the applicant in 1981. On March 13, 2006, the director issued a notice to deny the application. This notice provides, “[y]ou submitted one affidavit from [REDACTED] an individual who claims he has known you since 1981 . . . You submitted no other evidence to substantiate your eligibility for the benefit you seek. One affidavit does not meet the requirement of a preponderance of the evidence.”

On appeal, the applicant did not address the specific basis for denial. The applicant stated on his Form I-694, Notice of Appeal, “I have continuously resided in the US and I believe that I am eligible for adjustment of status. I will provide more evidence if required.” As of the date of this decision, the applicant has not submitted additional evidence.

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. To meet his burden of proof, an applicant must provide evidence of eligibility apart from his own testimony. 8 C.F.R. § 245a.2(d)(6). Pursuant to 8 C.F.R. § 245a.2(d)(5), the applicant failed to establish by a *preponderance of the evidence* his continuous residence in the United States during the requisite period. On appeal, the applicant has not presented additional

evidence nor has he addressed the specific basis for denial. The appeal must therefore be summarily dismissed.

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