



U.S. Citizenship
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Services

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FILE: MSC-05-236-10970

Office: NEW YORK

Date: AUG 30 2007

IN RE: Applicant:



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.

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. [REDACTED] (E.D. Cal) January 23, 2004, and *Felicity Mary Newman, et al. v. United States Immigration and Citizenship Services, et al.*, CIV. NO. [REDACTED] February 17, 2004, (CSS/Newman Settlement Agreements) was denied by the District Director, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she 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 found there were inconsistencies in documentation in the record regarding the applicant's first date of entry into the United States. Though the applicant testified that she had first entered the United States on June 6, 1981 when interviewed by a CIS officer on March 27, 2006, a previous application for suspension of deportation signed by the applicant states that she entered the United States for the first time on August 29, 1984. The director also noted that the applicant indicated in a letter submitted in support of her Form I-687 that she left the United States on August 29, 1984 and did not return until November 21, 1984, 84 days later. The applicant indicated that this absence was due to the death of her father. The applicant further provided a statement from Elan de Louis establishing the same dates of absence. There were no documents or other supporting evidence in the file indicating that the length of time spent outside of the United States during this absence resulted from an emergent reason that could have not have been reasonably foreseen by the applicant. Therefore, the director determined that the applicant was not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements and denied the application.

On appeal, the applicant asserts that she previously submitted her tax return from 1985. Though the applicant previously stated that she went to Haiti to attend her father's funeral in 1984, she also submits her father's translated death certificate, which indicates that he died in September 1992, in support of her appeal. The applicant further states that she intends to submit documents that establish that she remained outside of the United States for more than 45 days due to an emergent reason. However, no such documents were found in the record.

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 evidence to overcome the director's findings. Nor has she 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.