



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

41

[REDACTED]

FILE:

[REDACTED]

Office: CHERRY HILL, NJ

Date: AUG 30 2007

MSC 05-017-10063

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, Cherry Hill, New Jersey, and that decision is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

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

The director denied the application because she found the evidence submitted with the applicant's Form I-687 application was insufficient to establish eligibility for Temporary Resident Status pursuant to the terms of the CSS/Newman settlement agreements. Specifically, the director noted that the applicant did not demonstrate that she went to either the INS or a QDE to attempt to file a Form I-687 application during the initial legalization period. Similarly, the director found that the applicant had did not demonstrate that she was front-desked or otherwise discouraged from filing during the initial legalization period. The director further found that the applicant did not establish, by a preponderance of the evidence, that she had entered the United States on a date before January 1, 1982 and maintained continuous residence through a period of time between May 5, 1987 and May 4, 1988. In making this determination, the director referred to a statement in the applicant's file in which she indicated that she had first entered the United States in 1975, traveled to Nigeria in August of 1981, and then returned to the United States in August of 1982. The director also noted that during the applicant's interview with a CIS officer, she stated that though she returned to Nigeria in August of 1981, she did not re-enter the United States until after she married in Nigeria. As the applicant's marriage occurred on [REDACTED] this indicates that her return to the United States was sometime after that date. The director noted that there were inconsistencies between the statement submitted by the applicant and the testimony she gave during her interview with the CIS officer. The director found that the applicant had not established either that she was a class member or that she was unlawfully present in the United States prior to January 1, 1982 and that she then maintained continuous residence in the United States through the date that she attempted to file a Form I-687 during the original legalization period. The director therefore 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.

In this case, the director adjudicated the Form I-687 application on the merits. As a result, the director is found not to have denied the application for class membership.

On appeal, the applicant submitted a Form I-694 Notice of Appeal of Decision. On this Form I-694, the applicant indicated that she waived the right to submit a written brief or statement. No additional evidence was submitted with the applicant's Form I-694.

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, relevant evidence. Nor has he specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.

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