



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: PROVIDENCE, RI

Date: DEC 20 2007

MSC-05-253-15128

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. 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, Providence, Rhode Island, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

An applicant for temporary resident status must establish entry into the United States before January 1, 1982, and continuously 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 issued a Notice of Intent to Deny (NOID) to the applicant on April 5, 2006. The applicant failed to respond to the director's Notice. The director denied the applicant's I-687 application on May 24, 2006, because the applicant failed to establish his eligibility for the benefits sought.

The director stated in the April 5, 2006 NOID that the applicant was interviewed on March 7, 2006, in connection with his I-687 application. The director noted multiple discrepancies in the applicant's statements, I-687 application, and corporate information as they relate to his claimed presence in the United States. The director stated that during the interview, the applicant stated under oath that he first entered the United States in 1974 while on vacation from studying in France, but that he failed to provide evidence to substantiate such claim. The director further stated that the company named "Dial a Service Limited," where the applicant claims to have managed the branch office for fourteen years, did not exist in America. The director stated that, although asserted by the applicant during his interview, there was no record of the company's existence in Zurich, Switzerland, where the applicant claims the major partner was initially working.

The director further stated in the NOID that the applicant indicated during the immigration interview that he had resided at 24 West Fairmont Avenue, Savannah, Georgia, for fourteen years but that he was unable to identify popular tourist attractions or various well-known landmarks in the immediate area; including the Hunter Army Airfield, a U. S. Army base of more than 350 acres, which is located literally a few minutes' walk from the applicant's purported residence. The director also stated that the applicant was interviewed on June 5, 1993, by the Times-Picayune, a newspaper in New Orleans, at which time he stated that he was a "residence" of Dakar, Senegal. The director determined that this statement contradicts the applicant's claim for immigration purposes that he has continuously resided in the United States from 1979 to the present. The director also determined that contrary to the applicant's claim of continuous residence since 1979, the record of proceedings, file number [REDACTED] shows that he was apprehended at the port authorities in New York on November 28, 1982, when it was determined

that he was attempting to fraudulently enter into the country for purposes other than what his non-immigrant visitor's visa allowed for. The director noted that on November 29, 1982, the applicant voluntarily withdrew his application for admission into the United States and returned to Senegal.

The director concluded that the applicant's statements were not credible, that he had willfully misrepresented facts, and that his statements directly contradicted evidence contained in the record of proceedings.

The director denied the applicant's I-687 application on May 24, 2006.

On appeal, the applicant stated that his appeal was not a "legal appeal" but was a "humanitarian" appeal; that he has lived in the United States since May of 1992; that he has never requested nor has he obtained any form of government assistance; that he has never been in trouble with the law; and that he has been employed and works as a volunteer to give back to society.

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 Notice of Intent to Deny dated April 5, 2006, and the director's decision dated May 24, 2006, reveals that the director accurately set forth a legitimate basis for denial of the Form I-687 application. On appeal, the applicant has not addressed the basis for the director's denial, nor has he presented additional evidence to overcome the director's decision. The appeal must therefore be summarily dismissed.

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