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U.S. Citizenship
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FILE: [REDACTED]
MSC-06-062-17751

Office: NEW YORK

Date: DEC 17 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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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.

John F. Grissom, Acting 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, or *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 Director, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application, finding that the applicant had failed to meet the burden of proof by a preponderance of the evidence that he entered the United States before January 1, 1982 and has resided continuously in the United States in an unlawful status throughout the requisite period. Specifically, the director found that the applicant had failed to submit additional evidence in response to the Notice of Intent to Deny (NOID). In her NOID, the director stated that there is no evidence in the record showing that the applicant came to the United States in 1981 with his uncle and that the applicant submitted only two items of evidence, which are neither credible nor verifiable, to support his claim of eligibility. Additionally, the director noted that there were inconsistencies between the applicant's testimony and his Form I-687.

On appeal, the applicant reasserts his claim that he came to the United States as a minor with his uncle in 1981. The applicant further states that as a minor he could not have a passport and had to use his uncle's passport as an umbrella to enter the United States, and since his uncle has left the United States and passed away, he cannot produce his uncle's passport to show his entry into the United States in 1981. Finally, the applicant asserts that he has submitted sufficient credible evidence to establish eligibility for temporary resident status and there are no inconsistencies between his testimony and his completed Form I-687. The record indicates that no additional evidence is submitted on appeal and that the applicant waives his right to submit a written brief or statement.

On appeal, the applicant fails to submit relevant evidence to establish his continuous residence in the United States and throughout the requisite period as prescribed by the regulations at 8 C.F.R. § 245a.2(d). The applicant also fails to specifically address the director's analysis of the evidence and does not furnish any additional relevant evidence.

The director also noted material inconsistencies between the applicant's testimony and his Form I-687. It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the applicant submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Doubt cast on any aspect of the applicant's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the application. *Id.* at 591. On appeal, the applicant has failed to explain or address the inconsistencies identified by the director.

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 evidence. Nor has he 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.