

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Room 3000
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

L1

FILE:

MSC-06-091-11714

Office: LOS ANGELES

Date: DEC 17 2008

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:

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, 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 Director, Los Angeles. The decision 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 his 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. The director specifically stated that there was insufficient evidence of an ongoing relationship between the applicant and the three affiants to establish his continuous residence in the United States throughout the requisite period.

On appeal, the applicant submits a brief in which he states that the three affiants do know him personally since 1981 and further reaffirms his claim of eligibility for temporary resident status pursuant to Section 245A of the Immigration and Nationality Act. The record indicates that there is no other evidence submitted on appeal.

Pursuant to 8 C.F.R. § 245a.2(d)(6) regarding the sufficiency of evidence, the applicant is required to provide evidence of eligibility apart from his or her own testimony to meet the burden of proof by a preponderance of the evidence. Besides the three non-notarized affidavits that he submitted along with his temporary resident status application, the applicant provides no additional evidence or explanation to overcome the reasons for denial of his application. The three affidavits submitted here do not include sufficient detail from a claimed relationship to indicate that the relationship probably did exist and the witness does, by virtue of that relationship, have knowledge of the facts alleged.

On appeal, the applicant fails to specifically address the director's analysis of the evidence and does not furnish any additional relevant 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. 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