



U.S. Citizenship
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Services

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FILE: [REDACTED]
MSC-05-130-10008

Office: NEW YORK

Date: JAN 16 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. 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. 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, New York. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident Under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet, on February 7, 2005. The director determined that the applicant failed to demonstrate that he had continuously resided in the United States in an unlawful status as required, since prior to January 1, 1982 through the date his application was considered filed pursuant to the CSS/Newman Settlement Agreements. He noted specifically that the applicant had submitted only two affidavits in support of his claim of residence in the United States for the requisite period; and that one of the affiants, [REDACTED], claimed to have known the applicant since September 1987 and the other since February 1989. The director added that according to U.S. Citizenship and Immigration Services (CIS) records, [REDACTED] did not enter the United States until November 9, 1987. The director found the affidavit lacking in credibility for that reason and because the affiant had not indicated any direct personal knowledge of the events and circumstances of the applicant's residency. Based on the paucity of evidence of residence, the director denied the application, finding that the applicant had not met his burden of proof and was, therefore, not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, the applicant asserted that CIS was mistaken on [REDACTED] date of entry and that he "will submit proof" that the affiant lived in the United States before 1987. He also submitted a copy of passport page with a B2 visa stamp issued in Paris to [REDACTED] in November 1984, and a stamp indicating that the bearer entered the United States on January 19, 1985. There is no indication that the passport or visa was issued to [REDACTED]. Moreover, on appeal, the applicant fails to address the director's finding of a lack of sufficient credible evidence of residence for the requisite period. The AAO notes that regardless of the exact date of [REDACTED]'s entry, in his affidavit he claims knowledge of the applicant only since September 1987; the other affidavit is irrelevant as it does not refer to the requisite period.

Any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. 8 C.F.R. § 103.3(a)(3)(iv).

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence and has not 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.