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U.S. Department of Homeland Security
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Washington, DC 20539



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

[REDACTED]

FILE: [REDACTED]
MSC-05-356-11974

Office: NEW YORK

Date: **JUL 31 2008**

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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:
[REDACTED]

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. 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. If your appeal was sustained or remanded for further action, you will be contacted.

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 summarily 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 September 21, 2005 (together, the I-687 Application). The director determined that the applicant had not established by a preponderance of the evidence that she had continuously resided in the United States in an unlawful status for the duration of the requisite period, specifically noting that the applicant did not submit an affidavit from an adult responsible for her care and financial support. The director denied the application as the applicant had not met her 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, counsel submits a timely Form I-694 Notice of Appeal of Decision Under Section 210 or 245A and states that his written brief or statement is attached. On the Form I-694, counsel states the following:

Documentation and oral testimony presented in this case [were] sufficient to warrant a favorable exercise of discretion. [The] decision of [the] District Director is arbitrary and not supported by the facts and circumstances in the case. [The] applicant[']s testimony was detailed, consistent and believable to support a plausible claim of benefit sought. The decision of the District Director was an[] abuse of discretion.

As of this date, the AAO has not received any additional evidence from counsel or the applicant. Therefore, the record is complete.

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

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. The AAO notes that on the Form I-687, the applicant stated that she visited Trinidad from January 13, 1988 to April 5, 1988. The applicant's trip lasted more than 45-days and therefore, makes her ineligible for the benefit sought.

On appeal, counsel has not presented any evidence. The applicant fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the application. Nor has the applicant specifically addressed the basis for denial. As the applicant presents no additional evidence on appeal to overcome the decision of the director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(3)(iv).

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