

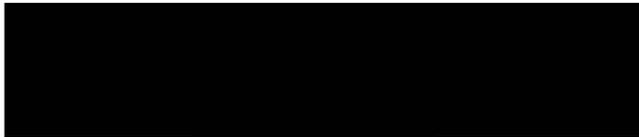
identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

41

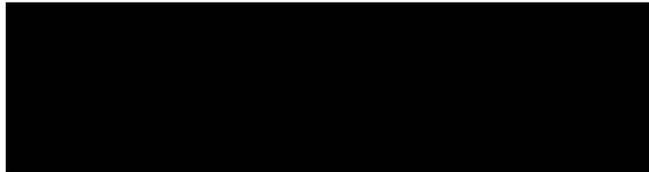


FILE: MSC-05-193-10574

Office: LOS ANGELES

Date: JUN 13 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: 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. 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, Los Angeles. The decision is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because she found the evidence submitted with the application was insufficient to establish eligibility for temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements. Specifically, the director noted that testimony from the applicant and other documents she submitted that are in the record were not consistent regarding the date she first entered the United States. The director found that these inconsistencies caused the applicant to fail to meet her burden of establishing that she entered the United States on a date before January 1, 1982 and then continuously resided in the United States for the requisite period.

On appeal, the applicant asserts that although at the time of her interview with a Citizenship and Immigration Services officer, she stated that she resided in the United States from September 1981 until December 1981 and then resumed her residence in January 1982, she is aware that she actually resumed her residence in the United States in July 1982. She states that it is difficult to recall dates of events that occurred so long ago due to the passage of time.

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 she addressed the grounds stated for denial. In fact, she has confirmed that she returned to the United States on July 1982 after leaving in December 1981. Therefore, according to this testimony, the applicant had an absence during the requisite period that exceeded 45 days. The appeal must therefore be summarily dismissed.

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