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U.S. Citizenship
and Immigration
Services

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FILE:

MSC-04-328-10422

Office: NEW YORK

Date: **NOV 07 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 Director, New York. The decision is now before the Administrative Appeals Office (AAO) 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 stated that she found the affidavit the applicant submitted in support of his application was not credible. The director stated that this was because there was no proof that the affiant was present in the United States during the requisite period or proof that she had direct personal knowledge of the events she was attesting to. The director also noted that the affiant's telephone number provided on her affidavit was no longer in service. Therefore, the director determined that the applicant did not satisfy his burden of proof and was not eligible to adjust to temporary resident status pursuant to the CSS/Newman Settlement Agreements.

On appeal, the applicant states that he entered the United States prior to January 1, 1982 and then resided continuously for the duration of the requisite period. He asserts that the affidavit he previously submitted is credible and states that he is submitting an additional affidavit with his appeal. However, no additional evidence was submitted with the applicant's appeal.

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. Though the applicant has stated that the affidavit he previously submitted is credible, he has not addressed the fact that it does not adhere to the criteria the director stated credible affidavits must adhere to. The appeal must therefore be summarily dismissed.

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