

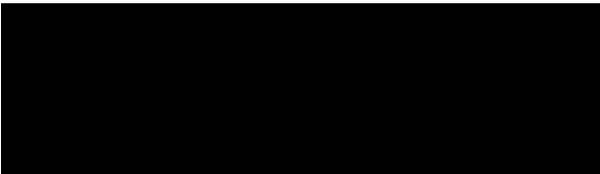
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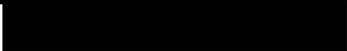
U.S. Citizenship
and Immigration
Services

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FILE:



Office: NEWARK

Date:

OCT 14 2008

MSC 06-059-10830

IN RE:

Applicant:



APPLICATION:

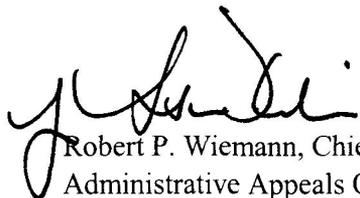
Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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, Newark, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The applicant must establish entry into the United States before January 1, 1982, and continuous residence in the United States since such date through the date the application is considered filed pursuant to the CSS/Newman Settlement Agreements. Section 245A(a)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1255a(a)(2).

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 November 28, 2005. The director denied the application on February 28, 2007, after determining 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. The director denied the application, finding that based upon the applicant's testimony during her immigration interview and a review of the evidence she submitted, she 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, the applicant states that she has no other evidence to submit besides her statements and the affidavit submitted by [REDACTED]. The applicant resubmits the [REDACTED] affidavit on appeal.

[REDACTED] stated in her affidavit that she has known the applicant since 1981 when the applicant participated in a summer camp program along with the affiant's niece. She further stated that to her knowledge the applicant was residing at that time at [REDACTED] in Hillside, New Jersey. She also stated that she and the applicant lost contact with each other in late 1987, and met again in 2000 when the applicant told her that she had gone back to Brazil. Here, the affiant's statement is inconsistent with what the applicant indicated on her Form I-687 application at part #30 where she indicated that she resided at [REDACTED] from March of 1982 to December of 1987, not 1981. Doubt cast on any aspect of the applicant's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the application. *Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988). The affiant fails to specify the frequency with which she saw and communicated with the applicant during the requisite period. She also fails to show that her statements concerning the applicant's residence is based upon her first hand knowledge of the applicant's circumstances and whereabouts during the requisite period. Because the affidavit is lacking in detail, it can be afforded only minimal weight in establishing the applicant's claimed continuous unlawful residence in the United States during the requisite period.

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 director's decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented any new evidence to overcome the director's decision. Nor has she specifically addressed the basis for the denial. The appeal must therefore be summarily dismissed.

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