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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-05-284-10034

Office: LOS ANGELES

Date: OCT 16 2008

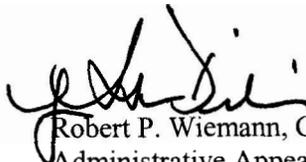
IN RE: Applicant: [REDACTED]

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. 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, Los Angeles. 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 the applicant did not submit a print out from the Internal Revenue Services, as her office had requested on a Form I-72 Request for Evidence. The director went on to state that the applicant's Form I-687 and the testimony she provided at the time of her interview with a Citizenship and Immigration Services officer were not consistent. The record reflects that though the applicant indicated that she was only absent once during the requisite period on her Form I-687, at the time of her interview, she submitted a sworn statement on which she indicated that she was absent from the United States four times during the requisite period. The director further noted that the applicant's children's birth certificates indicated that the applicant did not maintain continuous residence in the United States for the duration of the requisite period, as the registrations of the births of each of her four children born in Mexico during the requisite period occurred in Mexico approximately two months after each child was born. Therefore, the director concluded that the applicant failed to satisfy her burden of proof.

On appeal, the applicant states that she was nervous at the time of her interview and this caused her to become confused about dates. She asserts that she resided in the United States continuously for the duration of the requisite period. She resubmits previously submitted documents.

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 discrepancies noted by the director that caused the director to deny the application. The appeal must therefore be summarily dismissed.

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