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U.S. Citizenship
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FILE: [REDACTED]
MSC-05-314-11376

Office: BUFFALO Date: SEP 26 2008

IN RE: Applicant: [REDACTED]

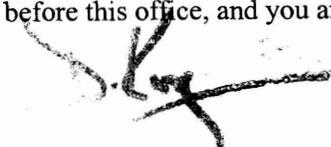
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, 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.


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, Buffalo. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be 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. The director determined that the applicant had not established by a preponderance of the evidence that he had continuously resided in the United States in an unlawful status for the duration of the requisite period.

Specifically, the director noted that the application contained material inconsistencies and that the evidence was insufficient to establish eligibility for the benefit sought. The director also noted that the record contained two previously filed I-687 applications, the first filed on June 25, 1990 and the second filed on October 2, 1990. These applications contain conflicting information regarding the applicant's addresses in the United States and the date that he moved from New York to California. The director further noted that on December 16, 2005, the applicant was interviewed under oath by Citizenship and Immigration Service (CIS) officers. During this interview the applicant was asked to explain the inconsistencies between the two previously filed applications. The applicant admitted that both forms contained his signatures but stated that someone else must have filed one of the applications. Also during the course of this interview, the applicant stated that he "... went to California in 1986 to live at Rusco Blvd. This conflicts with the dates provided by the applicant on his I-687 application, where he indicates that he moved to Rusco Blvd in Supcle, California in 1984.

Noting these inconsistencies, the director denied the application, finding that the applicant had not met his 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 asserts that:

██████████ has no information about the I-687 application which is with the INS office at Buffalo, NY. In 1990, he was taking help of one of his friends to fill out his application. He was not good at English at the time. He gave all his information to his friend. He also gave him money for the fee, his pictures and signed the blank form. Later on, his friend moved out of his place and he lost contact with him. As there was deadline for filing the applications at that time and ██████████ was not sure whether his friend filed application on his behalf or not, he filed a new application with his correct information.

The applicant did not submit any additional evidence on appeal or address the grounds for denial beyond stating that the applicant's friend must have filed the application.

The regulations at 8 C.F.R. 103.3(a)(1)(r) state, in pertinent part: An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. In as much as counsel and the applicant have failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

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