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FILE:



Office: FRESNO

Date:

**SEP 29 2008**

MSC 05 028 10046

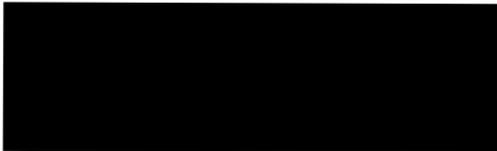
IN RE: Applicant:



APPLICATION:

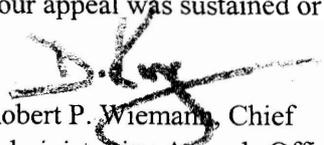
Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:



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, Fresno, California. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The director denied the application because the applicant did not establish that he continuously resided in the United States for the duration of the requisite period.

On appeal, counsel for the applicant submits a declaration<sup>1</sup> signed by the applicant declaring: that he first entered the United States illegally in 1981; that he stayed in the United States until 1990 and re-entered again in July 1990; that in 1994 he was apprehended for entering the United States without being admitted or paroled; and that he filed an application for political asylum in August 1995. The applicant's statement does not provide any new or additional information. The record contains this information and as the director observed, the applicant's statements regarding his request for asylum and the applicant's statements before an immigration judge contradict the applicant's claim that he entered the United States prior to January 1, 1982 and continuously resided in the United States for the applicable time period. The applicant does not address the inconsistent statements he provided in order to obtain immigration benefits. As the applicant fails to specifically address the director's analysis of the evidence regarding his continuous residence in the United States for the requisite time period on appeal, the AAO is unable to identify a basis for the appeal.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not addressed the grounds stated for denial, nor has he presented additional evidence relevant to the grounds for denial. The appeal must therefore be summarily dismissed.

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

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<sup>1</sup> In addition to the applicant's declaration, counsel has attached a number of documents relating to another individual, [REDACTED] which refer to events occurring after 1990. As the record does not indicate the applicant was even known by this name and the documents do not pertain to events occurring prior to January 1, 1982 through May 4, 1988, the documents are not relevant to this matter.