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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090

U.S. Citizenship  
and Immigration  
Services

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FILE: MSC 06 031 11543

Office: NEW YORK

Date: AUG 06 2009

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. 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.

John F. Grissom  
Acting 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. That decision is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because the applicant did not establish that she continuously resided in the United States for the duration of the requisite period. Specifically, the director noted that the applicant was notified of the United States Citizenship and Immigration Services (USCIS) intent to deny her application on February 8, 2007. The director noted that the applicant responded to the NOID with photo identification and a telephone number for witnesses [REDACTED] and [REDACTED]. USCIS attempted to contact the witnesses [REDACTED] and [REDACTED] on March the 14<sup>th</sup> and 15<sup>th</sup> of 2007, but was unsuccessful. The director noted that USCIS personnel spoke with [REDACTED] on March 15, 2007, and that [REDACTED] stated that you were her hair dresser, that she had been serviced by you every week, and that you never traveled outside the United States. The director noted that this statement contradicted the information provided by you as you had previously stated that you traveled to Malaysia in 1981 and to Canada in 1987. The director noted that you also provided a passport issued in Kuala Lumpur on October 21, 1991 revealing many entry and exit stamps which calls into question [REDACTED] credibility. The director further noted that USCIS records reveal that [REDACTED] was not in the United States during the requisite period. Finally, the director questioned the authenticity and relevance of photocopies of pictures submitted.

On appeal, counsel submits a brief stating that the applicant submitted affidavits in support of her claim and that the affidavits are verifiable. Counsel notes that additional documentation is no longer in the applicant's possession, and that the evidence submitted is sufficient to sustain the applicant's claim. Counsel did not otherwise address the basis of the director's denial.

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. The applicant did not specifically address the basis of the director's denial nor did she present additional evidence in support of the appeal. The appeal must therefore be summarily dismissed.

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