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**U.S. Citizenship
and Immigration
Services**



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FILE: [REDACTED]
MSC-06-097-10407

Office: LOS ANGELES

Date: **FEB 27 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. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed or rejected, 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.

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, or *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, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application and determined that the applicant had failed to meet her burden of proving by a preponderance of the evidence that she resided in the United States continuously throughout the requisite period. Specifically, the applicant stated during her interview that she applied for “amnesty” in 1986 through an attorney but was unsure whether the attorney did file the application or not. She further stated that she left the United States in 1987 and returned seven years later. At her interview, the applicant also signed a Form I-687 Supplement, CSS/Newman (LULAC) Class Membership Worksheet, indicating that she did not file the application for temporary resident status during the original legalization period and enter the United States before January 1, 1982 or reside in a continuous unlawful status from before 1982 until the date she was turned away or discouraged from filing the application by an immigration officer. In denying the application, the director also noted that the affidavit from [REDACTED] was neither credible nor probative as evidence of the applicant’s eligibility for the benefit sought since it contained statements that were in direct conflict with the applicant’s testimony.

On appeal, counsel for the applicant submits a brief in which he states that the applicant did enter the United States in 1981 and resided in the United States continuously from 1981 through 1987. Counsel further asserts that the applicant did not leave the United States for seven years in 1987 as she had previously stated at the interview. Through her counsel, the applicant claims that she only left the United States for about a month in 1987 and that she filed or attempted to file the application as soon as she returned to the United States. Based on this scenario, counsel concludes in his brief that the applicant is a class member. No additional evidence, however, is submitted to substantiate this claim. It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the applicant submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Doubt cast on any aspect of the applicant's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the application. *Id.* at 591.

Furthermore, the applicant is a class member as the director adjudicated the application. The application was denied because the applicant had failed to meet her burden of proving that she entered the United States before January 1, 1982 and had since that date, resided continuously in the United States in an unlawful status through the date she filed or attempted to file the application for temporary resident status.

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 addressed the grounds stated for denial, nor has she presented additional evidence relevant to the stated grounds for denial. The appeal must therefore be summarily dismissed.

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