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U.S. Citizenship  
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Services

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FILE:

[REDACTED]

Office: FRESNO

Date:

**JAN 22 2009**

MSC-06-101-19872  
MSC-06-089-12783  
MSC-04-363-10536

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:

[REDACTED]

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 if your case was remanded for further action, you will be contacted.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The applications 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), were denied by the Director, Fresno. The decision denying the three applications is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

In September 2004, December 2005, and January 2006, the applicant submitted three separate Forms I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and three Forms I-687 Supplement, CSS/Newman Class Membership Worksheet. The director denied all three applications because 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.

The director noted in the Notice of Intent to Deny issued in connection with the adjudication of the September 2004 Form I-687 on October 28, 2005 that the applicant had failed to submit evidence such as pay stubs, federal and state income tax returns, acceptable rent receipts and other receipts of purchase, medical records, and postmarked correspondence from family and friends to show continuous residence in the United States throughout the requisite period. The director also mentioned that the affidavits from the applicant's friends did not include the affiants' legal status and proof of their respective residences in the United States during the requisite period. In response, the applicant through his counsel stated that he could not produce documentary evidence such as bills, receipts, and evidence of entry into and exit from the United States but indicated that he would submit corroborative evidence to establish the affiants' legal status and residence in the United States. The record indicates that such evidence was not submitted. In the decision denying the three applications, the director noted inconsistencies in the other evidence submitted and discrepancies between the applicant's interview testimony and documentary evidence. The director found that the applicant failed to provide sufficient evidence to establish his residence in the United States throughout the requisite period.

On appeal, counsel for the applicant asserts that the applicant has furnished sufficient evidence regarding his entry into the United States before January 1, 1982 and has resided in continuous unlawful status for the requisite period. The applicant through his counsel also requests that he be given another opportunity to provide further evidence or explain his case at an interview. The applicant, however, provides no additional evidence or explanation to overcome the reasons for denial of his applications.

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 that the director accurately set forth a legitimate basis for denial of the applications. On appeal, the applicant has not presented additional evidence. Nor has he addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

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