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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
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JUL 23 2009

FILE: MSC-05-146-11604 Office: NEW YORK

Date:

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:

SELF-REPRESENTED

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

The director issued a notice of intent to deny (NOID) after the applicant stated orally and in writing during the interview that he attempted to file the application for temporary resident status in 1982. Responding to the director's NOID, the applicant indicated that he attempted to file the application in 1988 after returning to the United States from Bangladesh and further explained that he had provided inconsistent information during the interview because he was nervous. The director denied the application, finding that the applicant was not credible and that he failed to support his claim of continuous residence in the United States since before January 1, 1982 with credible evidence.

On appeal, the applicant contends that he is eligible for temporary resident status but submits no additional evidence to substantiate his contention or to resolve the inconsistencies in the record. The applicant's explanation that he was nervous during the interview is not sufficient to resolve the inconsistencies in the record. 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).

The AAO additionally notes that the applicant was previously represented by [REDACTED] but because [REDACTED] was disbarred in 2008, United States Citizenship and Immigration Services will not recognize his appearance. 8 C.F.R. § 292.1. Notice of this decision will only be furnished to the applicant.

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 he 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.