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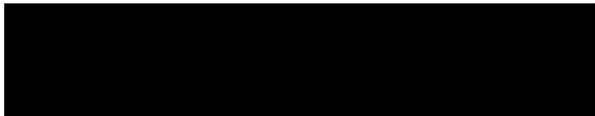
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
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FILE: [REDACTED]
MSC 05 167 27284

Office: LOS ANGELES

Date: JUN 10 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:

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. 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, Los Angeles. The decision is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, and a Form I-687 Supplement, CSS/Newman (LULAC) Class Membership Worksheet. 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. In so finding, the director noted that on her Form I-589, Application for Asylum and for Withholding of Deportation, filed on July 6, 1995, the applicant had claimed that she first entered the United States in 1990. The director also noted that at her interview, the applicant had difficulties identify who her affiants were, what they did for a living, where she had met them.

On appeal, the applicant resubmits four notarized statements along with documentation identifying the persons submitting the statements. The applicant requests reconsideration and review of the submitted evidence regarding establishment of residence in the United States since 1981.

In her letter dated April 28, 2007, the applicant stated that the information that she furnished on her Form I-589 was false. She further stated that she was born in Mexico and not El Salvador and that she did not first come to the United States in 1995. The applicant states that a gentleman proceeded to fill out the application for her, that she told him that she was born in Mexico and came to the United States in 1981 but he proceeded to do the paperwork and told her to sign the application. He assured her there was not anything to worry about and that she could not read the application because she did not know English, trusted the man and went ahead and signed. This admission of misrepresentation diminishes the credibility of the applicant's Form I-687 claim of residence during the requisite period.

Section 212(a)(6)(C) of the Act provides:

Misrepresentation. – (i) In general. – Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible.

It is noted that the applicant is inadmissible under section 212(a)(6)(C) of the Act, *supra* because of her misrepresentations on her Form I-687 and/or her Form I-589.

A review of the decision reveals that the director accurately set forth a legitimate basis for the denial of the application. On appeal, the applicant has not addressed the grounds stated for denial,

nor has she presented additional evidence to overcome her statements on her Form I-589. The appeal shall therefore be summarily dismissed.

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