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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 15157

Office: NEW YORK

Date:

**SEP 02 2009**

IN RE: Applicant:



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. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, 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.

A handwritten signature in black ink, appearing to read "John F. Grissom".

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

The director denied the application on September 20, 2007, because the applicant failed to establish that he had continuously resided in the United States in an unlawful status since throughout the requisite time period.

The applicant, through counsel, filed a timely appeal from the director's decision on October 14, 2007. On appeal, counsel states that the documentation and oral testimony submitted were sufficient for approval of the application; the director's decision was arbitrary considering the peculiar circumstances of the case; the denial of the application was an abuse of discretion; discretionary power must be used in a fair and candid manner; inconsistencies are expected in every application but do not lead to a question of credibility if they are minor; and, the inconsistencies noted by the director in this case were minor. Counsel requests that the case be reviewed and approved.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

Counsel has failed to address the reasons stated for denial and has not provided any new evidence on appeal. Without specifically identifying any errors on the part of the director, counsel's statements on appeal are insufficient to overcome the well-founded and logical conclusions the director reached based on the evidence submitted contained in the record. Therefore, the appeal must be summarily dismissed.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 245a.2(d)(5) of the Act.

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