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

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U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: HOUSTON Date: SEP 22 2009

MSC-06-080-11940

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

The director found multiple inconsistencies between the evidence of record and the applicant's statement during the interview. For instance, the director noted that the applicant did not indicate any absence from the United States in his Form I-687, inconsistent with his statement during the interview in which he stated that he briefly left the United States in 1987, 1990, and 1992. The director also noted that all of the affiants claimed they had known the applicant to live in the United States since 1980, 1981, or 1982, but none, when contacted by an immigration official, believed the applicant had been in the United States since before January 1, 1982, contradicting his or her own written statement. Taken the evidence together with the applicant's testimony, the director concluded that the applicant had failed to meet his burden of proving by a preponderance of the evidence that he had resided continuously in the United States since before January 1, 1982 and throughout the requisite period.

On appeal, counsel for the applicant claims that the director has failed to properly analyze the evidence presented. Counsel contends further that the director should not have denied the application primarily because the applicant submitted only affidavits. In adjudicating the appeal, the AAO observes that neither the applicant nor his counsel has submitted additional evidence or provided explanation to resolve the inconsistencies and discrepancies in the record as noted by the director. 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).

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 offered additional evidence relevant to the grounds for denial or the stated reason for appeal.

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. Accordingly, the appeal is summarily dismissed.

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