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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



LI

FILE:



Office: CHICAGO

Date:

SEP 28 2009

MSC-06 054 12861

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: 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.

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 in Chicago, Illinois. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant, a native of Ghana who claims to have lived in the United States since February 1980, submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman (LULAC) Class Membership Worksheet on November 23, 2005. The director denied the application, finding that the applicant had not established by a preponderance of the evidence that she had continuously resided in the United States in an unlawful status for the duration of the requisite periods.

On appeal, the applicant asserts that her absence from the United States was “temporal and innocent” and that the witness whose testimony the director relied upon has explained his testimony in favor of the applicant. The applicant submits a second affidavit from the affiant containing the same information as the previous affidavit he had submitted which the director had evaluated and found not to be credible. The applicant does not allege any legal or factual error in the director’s decision, and did not address the evidentiary deficiencies and discrepancies cited in the Notice of Intent to Deny (NOID) and the Notice of Decision. Specifically, the applicant did not submit any credible documentation or other credible evidence to rebut the evidence of a Form I-94 (arrival/departure record) in the file showing that the applicant was admitted into the United States on December 8, 2003 as a B-2 visitor with authorization to remain in the United States until February 7, 2004. The applicant has not submitted new evidence bearing on the grounds for denial discussed in the decision. As of the date of this decision, no additional evidence has been submitted, and the record will be deemed complete.

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 application. On appeal, the applicant has not addressed the grounds stated for denial, and has not cited any error(s) in the decision nor has she presented additional evidence relevant to the grounds for denial or the stated reason for appeal. The appeal must therefore be summarily dismissed.

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