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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:

[REDACTED]  
MSC: 05 271 11940

Office: LOS ANGELES

Date: **JAN 07 2010**

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.

A handwritten signature in black ink, appearing to read "Perry Rhew".

Perry Rhew  
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, Los Angeles, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The director determined that the applicant had not established that she resided in the United States in a continuous unlawful status from before January 1, 1982 through the date of attempted filing during the original one-year application period that ended on May 4, 1988. The director noted that the applicant had submitted questionable documentation, including affidavits and receipts, in an attempt to establish her continuous residence. The director also noted that during an interview on February 14, 1998, the applicant testified, and signed a sworn statement, that she had been residing in the United States for three (3) years. The director determined, therefore, that the applicant could not establish the requisite continuous residence.

On appeal, the applicant states that she was nervous during her interviews and confused dates. The applicant, therefore, requests reconsideration.

The sworn testimony and sworn statement at her interview, however, are indelible parts of the record. As such, this evidence cannot be purged from the record. The AAO will, therefore, examine the entire record and make its determination of the applicant's eligibility based on the entire record as constituted.

The record is clear that the applicant testified, and signed a sworn statement, at her interview on February 14, 1998, that she had been residing in the United States for three (3) years; and, the record is clear, that although the applicant indicates on her Form I-687 application that she first entered the United States in December 1981, she provided contradictory documents including affidavits attesting to her residence prior to December 1981, and an apartment lease, dated May 24, 1981, and rent receipts from May 1981.

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 presented additional evidence. Nor has she addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

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