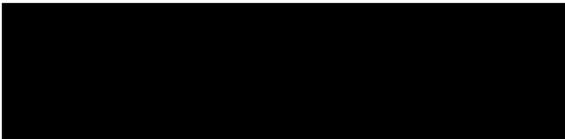




U.S. Citizenship  
and Immigration  
Services

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invasion of personal privacy**



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FILE: [REDACTED]  
MSC 05-158-10663

Office: NEW YORK

Date: DEC 17 2007

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. All documents have been returned to the office that originally decided your case. 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.

Robert P. Wiemann, 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 District Director, New York, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

An applicant for temporary resident status must establish entry into the United States before January 1, 1982, and continuously residence in the United States since such date, through the date the application is filed. Section 245A(a)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1255a(a)(2).

The director issued a Notice of Intent to Deny (NOID), dated March 22, 2006, to the applicant. The director stated in the NOID that the applicant stated in his interview that he entered the United States in December of 1981 by using a fraudulent passport, but that there was no evidence of such entry. The director further stated that the applicant submitted as evidence an affidavit from [REDACTED], who indicated in the affidavit that the applicant had attended the mosque from 1981 to 1996. The director noted that the Service contacted the mosque and was informed that the mosque doesn't put dates of attendance at the mosque in their affidavits. The director further noted that the affidavit was not signed, but that the mosque informed the Service that they sign all of their affidavits. The director also noted that the name of the notary public on the [REDACTED] affidavit is not registered with the State of New York. The director determined it unlikely that the [REDACTED] affidavit was credible, and that it may have been "deceitfully created or obtained." The director noted that the [REDACTED] affidavit did not appear to be credible or amenable to verification as the notary public was the same as that in the Shabazz affidavit. The director concluded by stating that there was no proof that the affiants had direct personal knowledge of the events and circumstances of the applicant's residency, or that they were in the United States during the statutory period. The director informed the applicant that he had 30 plus 3 days in which to respond to the NOID. The record does not show that the applicant responded to the director's request for evidence.

The director denied the application on May 30, 2006, after determining that the applicant had not submitted sufficient evidence to meet his burden of proof, and that he was therefore denying the application for the reasons stated in the NOID.

On appeal, the applicant states that during his interview he demonstrated that he was prima facie eligible for the benefits sought. He further states that a complication of the content of his Form I-687 application and his answers to the questions asked during his interview should not leave any doubt concerning his qualifications under the applicable law. The applicant also states that he entered the United States before January 1, 1982, and stayed in the country after the statutory period. The applicant does not submit any additional evidence on 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.

Here, the applicant fails to address the director's concerns. The applicant did not address the fraudulent nature of the [REDACTED] and the [REDACTED] affidavits that he submitted, nor did he specifically address the inconsistencies found in his statements. This inconsistency calls into question the applicant's residency in the United States during the requisite period. Doubt cast on any aspect of the petitioner's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth lies, will not suffice. *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988).

A review of the Notice of Intent to Deny and the director's decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence to overcome the director's decision. Nor has he specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.

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