



U.S. Citizenship
and Immigration
Services

PUBLIC COPY
identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

21

[REDACTED]

FILE: [REDACTED] MSC-04-338-10222

Office: NEW YORK

Date: DEC 26 2007

IN RE: Applicant: [REDACTED]

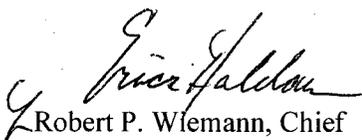
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has 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, 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. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she found the evidence submitted with the application was insufficient to establish eligibility for Temporary Resident Status pursuant to the terms of the CSS/Newman Settlement Agreements. In her Notice of Intent to Deny (NOID), the director stated that the applicant failed to provide evidence that he entered the United States before January 1, 1982 and then resided continuously in an unlawful status since his date of entry and until he was turned away by Immigration and Naturalization Services, now Citizenship and Immigration Services (CIS) or the Service, during the original legalization filing period. Specifically, the director noted that the applicant did not submit contemporaneous documents in support of his application. She went on to say that the affidavit that the applicant submitted in support of his application was not found credible, as it was not submitted with documents that showed that the affiant was in the United States during the requisite period. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. In her Notice of Decision, the director noted that her office received additional evidence from the applicant in response to her NOID. However, she found that this evidence, which the record shows consisted of a letter from Harlem Hospital, was not credible. In saying this, she noted that her office contacted that hospital and was told that the applicant had not received the services described in this letter. Because the director found that the evidence submitted by the applicant was not sufficient to meet the applicant's burden of proof, the director denied the application.

On appeal, the applicant states that he maintains that he first entered the United States in 1981 and that he did receive medical services from Harlem Hospital as described in his previously submitted letter. He goes on to say that it is unreasonable for the director to demand that he submit contemporaneous documents in support of his application. He asserts that his testimony and his Form I-687 were consistent. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application.

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 he 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.