

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

PUBLIC COPY

41

[REDACTED]

FILE: [REDACTED]  
MSC-06-098-17943

Office: NEWARK, NJ

Date: NOV 01 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. 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for Temporary Resident Status was denied by the Director, Newark, New Jersey District Office, and 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. Specifically, the director stated that the applicant did not submit documents that were sufficient to prove by a preponderance of the evidence that she maintained continuous residence in the United States for the duration of the requisite period as applicants for Temporary Resident Status are required to do pursuant to the regulation at 8 C.F.R. § 245a.2(d)(5). The director went on to say that the applicant did not provide credible evidence such as bank records, social security or employment earnings or other such documents that were relevant to her application. It is noted here that the applicant's record does contain a bank record from the Penn Savings and Loan Association with entries dated from June 29, 1981 until October 10, 1981. This bank passbook bears the name Clotilde Flores and indicates that at the time the account was established she lived at 49 Sherman Avenue, East Newark. However, the applicant's Form I-687 indicates that the applicant did not live at this address in 1981, causing the Service to question the credibility of this document. It is further noted that the applicant has provided a record of employment as an annex to question #33 contained in her Form I-687. Here she has indicated that she was employed on dates that she has also indicated she was absent from the United States on this same form, casting doubt on whether the applicant represented her absences and her places of employment accurately on her Form I-687. Though not noted by the director in her decision, the applicant's Form I-687 also indicates that the applicant was absent from the United States from June to September of 1982; August to November of 1984; March to September of 1985, and then from June of 1987 until May of 1988. Each of these absences appears to have been longer than forty-five (45) days. The regulation at 8 C.F.R. 245a.2(h)(1)(i) states that to have maintained continuous residence applicants must establish that they do not have a single absence that has exceeded forty-five (45) days during the requisite period. Here, the applicant has not established this.

On appeal, the applicant asserts that she is a CSS/Newman Class member. She indicates that she will submit a brief in support of her appeal within thirty (30) days. It is noted that the Service received the applicant's Form I-694 on March 16, 2007. As of October 17, 2007 the Service has not received a brief or additional evidence from this applicant.

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.