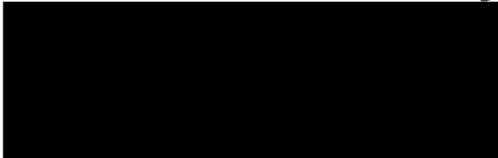


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SEP 19 2007

FILE:



Office: NEW YORK

Date:

MSC-05-174-10526

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:



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 the matter 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 Director of the New York District Office, and that decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director concluded the applicant did not establish that he was eligible to adjust to temporary status in accordance with the Immigration and Nationality Act (INA) § 254a. Specifically, she stated in her Notice of Intent to Deny (NOID) that the applicant was not consistent regarding how he entered the United States before January 1, 1982, stating at the time of his interview with a CIS officer on January 19, 2006 that he first entered the United States in New York through Canada but on an affidavit of circumstances submitted with his Form I-687 to establish class membership in 1991 he indicated that he first entered the United States in Texas through Mexico. The director then went on to say that information regarding the applicant's addresses of residence in evidence in the record was not consistent. In saying this, the director noted that the applicant showed on his Form G-325A that he lived in Senegal from 1999 to 2003 but that his Form I-687 indicated that he had resided continuously in New York in the Bronx from 1988 until 2005. The director further noted that copies of the applicant's passport indicated absences from the United States that the applicant did not show on his Form I-687. Lastly, the director stated that the affidavits submitted by the applicant in an attempt to establish that he resided continuously in the United States during the requisite period were not found credible because they lacked documents identifying the affiants, proof that the affiants were in the United States during the statutory period and some proof that there was a relationship between the applicant and the affiants. For the aforementioned reasons, the director stated that the applicant had not established, by a preponderance of the evidence, that he had continuously resided in the United States for the duration of the requisite period. The director granted the applicant thirty (30) days from the date of her NOID to submit additional evidence in support of his application. In denying his application, the director stated that as the applicant failed to submit additional evidence in response to her NOID, he did not overcome her reasons for denial.

In this case, the director adjudicated the Form I-687 application on the merits. As a result, the director is found not to have denied the application for class membership.

On appeal, the applicant submits a Form I-694 on which he states that his original Form I-687 application was supported by affidavits from individuals based on their personal knowledge. No additional evidence was submitted by the applicant with his Form I-694.

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.