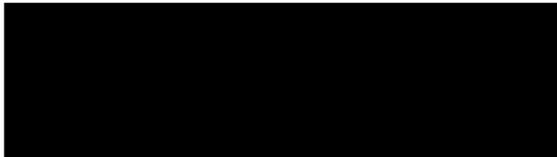


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FILE: [Redacted]
MSC-05-179-13917

Office: INDIANAPOLIS, IN

Date: SEP 20 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 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, Director
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 Indianapolis, Indiana 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, he stated in his Notice of Intent to Deny (NOID) that the applicant failed to submit evidence that was sufficient to establish that he entered the United States before January 1, 1982 and that after that time he resided continuously in an unlawful status except for brief absences or that he was continuously physically present in the United States during the requisite period. It is noted here that 8 C.F.R. § 245a.2(d)(5) states that an applicant applying for adjustment of status bears the burden of proving by a preponderance of the evidence that he or she resided continuously in the United States for duration of the requisite period, is admissible to the United States under the provisions of section 254a of the INA and is eligible for adjustment of status under that section. It further noted here that 8 C.F.R. § 245a.2(d)(6) requires an applicant to provide evidence of eligibility apart from his or her own testimony to meet his or her burden of proof in accordance with 8 C.F.R. § 245a.2(d)(5). The director granted the applicant thirty (30) days from the date of his NOID to submit additional evidence in support of his application. In his decision, the director noted that the applicant resubmitted a previously submitted affidavit in support of his claim of being eligible to adjust to temporary resident status in response to his NOID. Therefore, the director found the applicant had not overcome his reasons for denial as stated in his NOID and denied the application.

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 it is difficult to gather evidence in support of his claim. He goes on to say that he hopes that he will find more evidence. Though the applicant indicates that he has submitted a brief with his Form I-694 Notice of Appeal of Decision it is noted that other than the summary of reasons for his appeal that appear on that form, such a brief was not found in the record. 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.



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