

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



**U.S. Citizenship
and Immigration
Services**

PUBLIC COPY

L1



FILE: [REDACTED]
MSC-05-039-10059

Office: CLEVELAND, OHIO

Date: **APR 24 2008**

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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

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, Cleveland, Ohio. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because he 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, in his Notice of Intent to Deny (NOID), issued June 13, 2006, the director noted 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. The director also noted that he did not meet his burden of proving that he was continuously physically present in the United States from November 6, 1986 until he attempted to file for legalization during the original filing period. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. In his Notice of Decision, dated July 21, 2006, the director noted that the applicant failed to submit additional evidence in response to the Service's NOID. Therefore, the director found the applicant had not met his burden of proving, by a preponderance of the evidence that he resided continuously in the United States for the duration of the requisite period.

On appeal, the applicant states that he submitted evidence previously in support of his application. He states that he previously submitted evidence on June 29, 2006. He asserts that the Administrative Appeals Office should find all of the documents he previously sent to CIS. While it is noted that the applicant did timely submit documents including: his birth certificate, showing he was born in Senegal in 1956; his marriage certificate, which shows that he was married in Senegal in 1994; and birth certificates showing his wife gave birth to children in 1995 in Senegal, in 1998 in Senegal and in 2001 in New Haven, Connecticut. However, it is noted here that the issue in this proceeding is whether the applicant submitted sufficient evidence that proves that he resided continuously in the United States for the duration of the requisite period. Because these documents do not pertain to that period, though they were submitted timely in response to the director's NOID, they are not relevant evidence for this proceeding.

In his appeal, the applicant also states that he has additional evidence in Senegal. However, he fails to indicate what this evidence is. The applicant further provided no additional evidence or explanation to overcome the reasons for denial of his application with his 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.

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.