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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-05-161-10780

Office: LOS ANGELES

Date: DEC 29 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:

[REDACTED]

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.


John F. Grissom, Acting 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, Los Angeles. 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. Specifically, the director noted that the applicant submitted several affidavits and declarations in support of his claim of continuous residence during the relevant period. However, the affidavits lacked sufficient detail to be probative and credible. Many of the affiants indicated that they lived in Mexico during the relevant period. For this reason, they are not able to provide direct, personal knowledge of the applicant's continuous residency during the relevant period. Furthermore, most affiants merely indicated that they were friends with the applicant, however, they did not state how they date their acquaintance with the applicant, indicate where the applicant lived during the relevant period, or any additional information that is probative. The director also noted that United States Citizenship and Immigration Services (USCIS) requested copies of the applicant's school records since he claims to have entered the United States when he was 10 years old. However, the applicant submitted an affidavit that he never attended school in the United States. Noting the paucity of credible evidence in the record which would establish the applicant's eligibility for the benefit sought, the director denied the application on March 1, 2007.

On appeal, the applicant indicated that he "worked in the fields" from 1981 until 1997, and that "during the time of harvest I will go home on the weekends." He indicates that he has submitted all of the available evidence in support 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.