

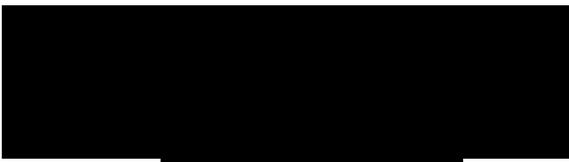
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FILE: [REDACTED]
MSC 06-089-13568

Office: LOS ANGELES

Date: **JAN 24 2008**

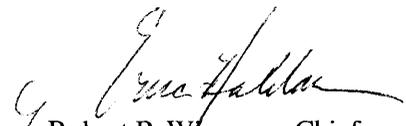
IN RE: Applicant: [REDACTED]

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. All documents have 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 or rejected, 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 District Director, Los Angeles, California, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident Under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet, on December 28, 2005. The director denied the application on June 4, 2006, after determining that the applicant had failed to meet his burden of proof by a preponderance of the evidence that he resided in the United States for the requisite period. The director noted that the applicant admitted to his absence from the United States from November of 1986 to July of 1987 during his immigration interview and in his Form I-687 application, and the birth of his two children in the Philippines in 1986 and 1989. The director determined that due to the discrepancies and evidence of misrepresentations made by the applicant in his I-687 application and during his interview with immigration officers, he was not credible.

On appeal, the applicant states that he was absent from the United States from December of 1986 to January of 1987, not to July of 1987; and that his wife traveled to the United States in 1986 and again in 1989, which resulted in her becoming pregnant and giving birth to their two children in the Philippines during those respective years. The applicant does not submit any evidence on 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 director's decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented any evidence to overcome the director's decision. Nor has he specifically addressed the basis for denial. It is noted by the AAO that the applicant's statements comprise the only documentation provided by the applicant as evidence of his residence in the United States. This evidence is insufficient to support a conclusion that the applicant entered the United States before January 1, 1982, and resided in the United States for the requisite period. The appeal must therefore be summarily dismissed.

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