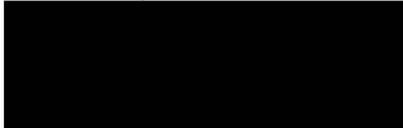


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FILE: [REDACTED]  
MSC-05-218-12300

Office: NEW YORK

Date: JUL 31 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, New York. The decision is now before the Administrative Appeals Office (AAO) 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 May 6, 2005 (together, the I-687 Application). The director determined that the applicant had not established by a preponderance of the evidence that she had continuously resided in the United States in an unlawful status for the duration of the requisite period, specifically noting that the applicant signed a sworn statement stating that she was born in Nigeria on April 16, 1982. The director denied the application as the applicant had not met her burden of proof and was, therefore, not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, the applicant submits a timely Form I-694 Notice of Appeal of Decision Under Section 210 or 245A and waives the right to submit a written brief or statement. On the Form I-694, the applicant states the following: "Decision made against the weight of evidence. Presentation of affidavit alone cannot be ground[s] for denial as per stipulation of settlement creating the program. Passage of time was not considered in the decision."<sup>1</sup> As of this date, the AAO has not received any additional evidence from counsel or the applicant. Therefore, the record is complete.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. The AAO notes that the applicant's Form I-687, passport, and her sworn statement on November 1, 2005 state that she was born on April 16, 1982. According to the applicant's Nigerian passport, the applicant was born in Lagos Nigeria. Therefore, it is impossible for the applicant to have entered the United States before January 1, 1982 and resided in the United States for the requisite period. Furthermore, in her sworn statement, the applicant states that she first entered the United States in September 1982. The applicant is therefore ineligible for the benefit sought.

On appeal, the applicant has not presented any evidence. The applicant fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the application. Nor has the applicant specifically addressed the basis for denial. As the applicant presents no additional evidence on appeal to overcome the decision of the director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(3)(iv).

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<sup>1</sup> The AAO notes that the record of proceeding contains no affidavits in support of the applicant's Form I-687.



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