

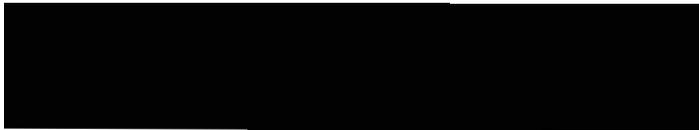
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FILE: [REDACTED]
MSC-05-343-12002

Office: BALTIMORE Date: **MAY 19 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, Baltimore. 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, he stated that at the time of the applicant's interview with a Citizenship and Immigration Services (CIS) officer on September 28, 2006, the applicant stated that he first entered the United States in December 1981 with a valid visa. The director stated that his office found this indicated that the applicant failed to prove that he was in an unlawful immigration status in the United States prior to January 1, 1982. As applicants for adjustment to temporary resident status must establish that they began residing in the United States in an unlawful status since prior to January 1, 1982 and this applicant failed to establish that he did so, the director denied the application.

On appeal, the applicant states that the director erred in determining that his status would not have been unlawful prior to January 1, 1982. He states that his testimony at the time of his interview was consistent with his Form I-687 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. Though not noted by the director, the AAO also notes here that the record also contains a Form G-325A submitted by the applicant with a previously filed Form I-485 on August 1, 2002. This Form G-325A shows the applicant resided in Freetown, Sierra Leone continuously from his date of birth until November 1989 and that he worked continuously for the government of Sierra Leone from December 1986 until October 1989. This further supports the director's determination that the applicant failed to establish that he resided in the United States in an unlawful status for the duration of the requisite period. 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.