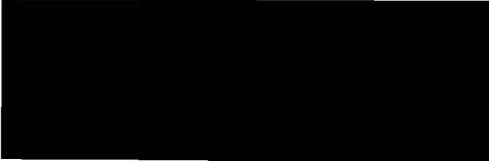


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FILE: [REDACTED]
MSC-05-253-11431

Office: SEATTLE

Date: OCT 09 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:



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 director of the Seattle office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because he found that the applicant had failed to meet his burden of establishing by a preponderance of the evidence that he continuously resided in the United States for the requisite period. Specifically, the director noted that the applicant indicated he resided in New York throughout the requisite period yet provided evidence that he was also a member of a church in Washington during that time.

On appeal, counsel for the applicant states that he believes the application was improperly denied, that the director abused his discretion and committed a legal error by denying the application, and that the director erred in not accepting the evidence that the applicant submitted. Counsel states that the director erred in being too strict in its analysis of the evidence and making requirements that are not required by law. Counsel fails to directly address the apparent inconsistencies that the director identified in the record. Counsel also fails to submit any additional evidence.

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 that 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 directly addressed the grounds stated for denial. Specifically, he has not provided additional evidence to overcome the inconsistencies in the record that were noted by the director. The appeal must therefore be summarily dismissed.

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