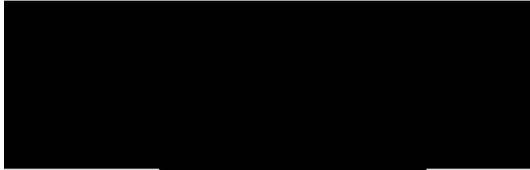


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FILE: [REDACTED]
MSC-06-027-13933

Office: NEWARK

Date: **OCT 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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has 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, 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.

A handwritten signature in ink, appearing to read "Robert P. Wiemann".

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 Field Office Director, Newark, and that decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

On January 30, 2007, the director denied the application noting that the applicant failed to submit sufficient credible evidence of either his entry into the United States prior to January 1, 1982 or his continuous residency in the United States for the requisite period. Specifically, the director noted that the applicant submitted two affidavits which allege that the applicant resided continuously in the United States from 1981 until 1988, and a letter from a temple.

However, the director noted that on December 19, 2006 the applicant was interviewed in connection with this application by Citizenship and Immigration Services (CIS). During that interview the applicant stated that he has three children who were all born in India. The first child was born on July 12, 1983, the second child was born on January 12, 1985 and the third child was born on June 4, 1990. The applicant also stated that he was married in India in 1982 and that he traveled to and from India six times between 1981 and 1984. On the applicant's Form I-687, submitted on October 27, 2005, the applicant specifically stated that he left the United States in October 1982, May 1984 and August 1987. The director noted that these inconsistencies cast doubt on the reliability and credibility of the applicant's testimony.

On appeal, the applicant, through counsel, states that "after the applicant's initial entry, but for his temporary and brief absence during the month of August 1987 for less than four weeks, the applicant has physically resided in the United States until January 1989." He further asserts that the affidavits previously submitted establish his eligibility for the benefit sought. The applicant does not address the inconsistencies noted by the director which cast doubt on the applicant's continuous residency for the requisite period.

Furthermore, on appeal, the applicant further contradicts his original Form I-687 application by contending that he only traveled outside the United States once during the requisite period, in 1987. This directly contradicts both his application, and his interview testimony. The applicant did not submit any additional 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 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.