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FILE: [REDACTED]
MSC-05-230-30678

Office: SEATTLE (TUKWILA) Date:

SEP 12 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, Seattle. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be 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. 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, the director stated that his office could not verify that affiants from whom the applicant submitted affidavits resided in Kansas during the requisite period and that, further, the affidavits from these affiants were significantly lacking in detail such that they did not allow the applicant to meet her burden of proof. The director further stated that the applicant had three separate absences during the requisite period that exceeded 45 days in length and noted that the applicant failed to submit evidence that her return from any of these absences was delayed due to an emergent circumstance. Therefore, the director stated that the applicant did not meet her burden of establishing that she maintained continuous residence in the United States for the duration of the requisite period. Because of this, the director determined that the applicant was not eligible to adjust to temporary resident status pursuant to the CSS/Newman Settlement Agreements and denied the application.

On appeal, the applicant asserts that she has resided in the United States since 1981. She states that affiants from whom she submitted affidavits are attempting to locate legal documents that will prove that they resided in Kansas during the requisite period but that because of the passage of time, it is difficult to obtain such documents. She provides proof that an affiant from whom she submitted an affidavit has attempted to obtain IRS records pertaining to the requisite period.

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 applicant did not meet her burden of proving that she maintained continuous residence in the United States during the requisite period, as she was absent from the United States for more than 45 days on three occasions during the requisite period and has submitted no evidence to establish that her return from these absences was delayed due to an emergent circumstance. On appeal, the applicant has not presented additional evidence. Nor has she 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.