



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC 06 101 24848

Office: LOS ANGELES

Date: APR 03 2009

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.

John F. Grissom
Acting 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, Los Angeles. The decision is now before the Administrative Appeals Office 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, and a Form I-687 Supplement, CSS/Newman (LULAC) Class Membership Worksheet. The director denied the application because the applicant did not establish that he continuously resided in the United States for the duration of the requisite period. In so finding, the director noted that at his interview on October 6, 2006, the applicant testified that he came to the United States for the first time through San Ysidro illegally in November 1981 and that he left this country in June 1985 to marry in Mexico and did not return for five months. The record contains the applicant's Form I-215W, Record of Sworn Statement in Affidavit Form, dated October 6, 2006 confirming the director's finding.

On appeal, the applicant acknowledges that he did travel to Mexico to marry. He states "I wed on March 23, 1985 I then returned to the U.S. I went back in November 1987 for a couple of days. I misunderstood the question, I'm very sorry for this confusion, I was very nervous and confused. I assure you I have lived in the U.S. since 1981 and did in fact travel to Mexico in March 1985 and then again in November 1987."

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 the denial of the application. On appeal, the applicant has not provided evidence to negate his October 6, 2006 statement. The appeal shall therefore be summarily dismissed.

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