



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED] Office: HOUSTON Date: **DEC 08 2009**
MSC 06 097 10785

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:

JOSE W. VEGA
440 LOUISIANA STREET, SUITE 500
HOUSTON, TX 77002

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter 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 black ink, appearing to read "Perry Rhew".

Perry Rhew
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, California. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application on July 14, 2008, after determining that the applicant had not credibly 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 time period.

The applicant, through counsel, filed an appeal from the director's decision on August 13, 2008. On appeal, counsel submits a brief asserting that the applicant is eligible for the benefit sought. In support of the appeal, counsel provides photocopies of photographs of the applicant asserting that they were taken between 1981 and 1985. The photographs do not identify either the date or location they were taken and offer no evidence whatsoever that the applicant was in the United States before 1982.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the record reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented any relevant evidence in rebuttal to the director's basis for denial of the application. Therefore, the appeal must be summarily dismissed.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 245a.2(d)(5) of the Act.

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