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U.S. Citizenship
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Services

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[REDACTED]

FILE:

MSC 06 088 13776

Office: NEW YORK

Date: FEB 26 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:

[REDACTED]

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.

A handwritten signature in black ink, appearing to read "John F. Grissom".

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, New York. 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 denied the application, finding that the applicant had not provided credible evidence to establish that he had entered the United States prior to January 1, 1982, and thereafter continuously resided in the United States in an unlawful status for the duration of the requisite period.

On appeal, counsel resubmits a copy of the same affidavits from [REDACTED] and [REDACTED] that were submitted when filing the applicant's Form I-687 application. Counsel states that evidence is unavailable due to the passage of time and requests favorable reconsideration. Counsel waived her right to submit a written brief or statement.

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. On appeal, counsel provided no new evidence or explanation to overcome the reasons for denial of the applicant's Form I-687 application.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. The sworn affidavits from [REDACTED] and [REDACTED] fail to provide concrete information specific to the applicant and generated by the asserted associations with him. The affidavit fails to establish the applicant's illegal entry into the United States with his parents from Mexico in November 1981 and his continuous unlawful residence in the United States for the duration of the requisite period. The affidavits submitted do not contain sufficient information to support the applicant's claim. On appeal, counsel has not presented additional evidence relevant to the requisite period and has not addressed the grounds stated in the director's denial. The appeal must therefore be summarily dismissed.

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