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U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

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FILE: [REDACTED]  
MSC 05 362 12085

Office: NEWARK

Date: **JAN 30 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.

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, Newark. The decision is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because the applicant did not establish that she continuously resided in the United States for the duration of the requisite period. In so finding, the director noted that the applicant had only submitted a statement by counsel in response to his Notice of Intent to Deny (NOID), which was sent to the applicant on January 30, 2007. In the NOID, the director stated (in part):

In support of your application you submitted an affidavit from [REDACTED] attesting to your continued physical presence in the United States since 1981. However this affidavit was not accompanied by any evidence of [REDACTED] Lawful Permanent Residence in the United States or United States Citizenship, nor was it accompanied by any evidence that [REDACTED] was physically present in the United States during the entire statutory period.

You submitted an I-20 stamped for admission at Los Angeles Airport on August 11, 1988. It appears that this was the first time you entered the United States because you could not provide any documentation prior to this date.

The body of the applicant's Form I-694, Notice of Appeal of Decision Under Section 210 or 245A reads, in its entirety:

1. The District Director's decision denying the applicant's case was improperly made.
2. The applicant submitted sufficient proof of her residence in the United States prior to 1981. The applicant first entered the United States on September 28, 1981 and remained continuously in the United States.
3. The applicant submitted credible affidavits/evidence in support of her eligibility under the program.
4. Since the applicant was resident as an undocumented alien in this country, she is unable, at this time, to have every relevant document to support her continuous stay in the United States.

In his brief, counsel states the applicant submitted statement/affidavits from [REDACTED] to support her claim, that she was unable to provide documents showing entry to and through Mexico

in 1981 because all the documents were no longer in her possession and that the applicant was "home-schooled" and only went to "ELS Language Center, Norman, Oklahoma, in 1988 to better her command of the English Language." Counsel submits the applicant's certificates from the ELS Language Center in Norman, Oklahoma, dated October 7, 1988 and November 7 through December 2, 1988. The applicant failed to specifically address the director's analysis of the evidence, contradictions between the applicant's assertions and the evidence, and did not furnish any additional evidence that addressed her residence in the United States during the requisite period.

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 decision reveals that the director accurately set forth a legitimate basis for the denial of the application. On appeal, the applicant has not presented additional evidence pertaining to the requisite period of residence or specifically addressed the reasons for denial. The appeal shall therefore be summarily dismissed.

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