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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE:

MSC 05 208 11208

Office: NEW YORK

Date:

JAN 30 2009

IN RE:

Applicant:

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.

A handwritten signature in black ink, appearing to read "J. 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, New York. 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 established 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 not submitted documentation that was neither credible nor amenable to verification. The director also noted that during her interview on March 15, 2006, the applicant stated that she departed the United States on May 8, 1985 on a trip to Senegal and that she returned to this country in November of 1985. The director found that this trip (of more than 45 days) disrupted the applicant's period of continuous residence during the requisite period.

On appeal, the applicant states that she believes that she is eligible under the settlement agreements. She resubmits a copy of an affidavit dated December 8, 2005 from [REDACTED] and a copy of a letter dated November 15, 2005 from [REDACTED] of the Harlem Hospital Center in New York.

The applicant failed to specifically address the director's analysis of the evidence, contradictions between the applicant's assertions and the evidence, the failure to submit requested evidence, and did not furnish any additional evidence.

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 or specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.

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