

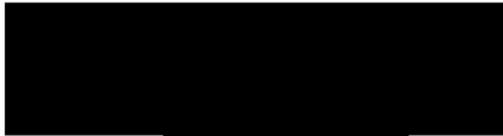
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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
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U.S. Citizenship  
and Immigration  
Services

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LI

FILE: [REDACTED]  
MSC 05 230 12298

Office: NEW YORK

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:

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 "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, 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 establish that he continuously resided in the United States for the duration of the requisite period. In so finding, the director noted that during his interview, under oath, he stated that his initial entry into the United States occurred when he was fifteen years of age. He was unable to verify the person or persons who entered the country with him, but stated that after his entry he resided with friends of his Uncle's until 1983 when he moved to a different location, [REDACTED]. The director found that this information conflicted with information on his marriage certificate and on his application. His marriage certificate indicated that as of the date of his marriage, on April 10, 1995, he was living at the [REDACTED] address, yet on his application, he detailed that he only lived at this address from November 1982 until May of 1983 and that from November 1990 to the present time, he resided at [REDACTED]. The director also outlined five affidavits submitted by the applicant and found them insufficient to establish the applicant's claimed residence and employment since his purported initial entry in the United States in 1982.

In support of his appeal, the applicant submits three notarized "Witness Oath of Presence in the United States from 1982 to 1988" for three persons, [REDACTED] (with a copy of her naturalization certificate), [REDACTED]. These notarized statements provide personal information only about the persons who submitted them and are apparently submitted to lend credence to the notarized statements that these three persons already forwarded for the record. They provide no evidence concerning the applicant's residence in the United States during the required period.

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 pertaining to the director's determination.

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.