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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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[REDACTED]

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FILE:

[REDACTED]

Office: HARTFORD

Date:

JUL 23 2009

[REDACTED] consolidated herein]
MSC 06 097 11964

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. 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.

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, Hartford, Connecticut. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application on April 16, 2007, because the applicant failed to establish that he had continuously resided in the United States in an unlawful status since before January 1, 1982, through the date that he attempted to file a Form I-687, Application for Status as a Temporary Resident, with United States Citizenship and Immigration Services (USCIS) - previously the Immigration and Naturalization Service (INS).

The applicant, through counsel, filed a timely appeal from the director's decision on May 15, 2007. On appeal, counsel provides a brief statement asserting that the applicant established by a preponderance of the evidence his eligibility for the benefit sought and disagrees with the director's decision. Counsel further asserts that the director erred as a matter of law in denying the application, abused his discretion by imposing a higher burden of proof that a preponderance of the evidence, and gave no weight to the applicant's sworn testimony.

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

Counsel has failed to address the specific reasons stated for denial of the application and has not provided any new evidence on appeal. Without specifically identifying any errors on the part of the director, counsel's general statements on appeal are insufficient to overcome the well-founded and logical conclusions the director reached based on the evidence submitted contained in the record. 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.