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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
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FILE: [REDACTED]
MSC-06-034-12137

Office: NEW YORK

Date: JUN 04 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. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant had not demonstrated that she had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988. The director stated that the applicant did not provide sufficient evidence to overcome the burden of proof necessary to establish her eligibility for the benefit sought. In addition, the director noted that based on the applicant's testimony during her April 26, 2006 interview, the applicant had an absence in excess of 45 days.

On appeal, the applicant states that during her interview, she stated that she departed the United States in May or June of 1983 and could not remember the date. The applicant adds that there is no "factual proof showing that the length of [her] absence was more than 45 days." The record of proceeding contain a copy of the applicant's passport with an entry stamp dated July 16, 1983 and notes taken during the applicant's interview on April 26, 2006. The interview notes state that the applicant left the United States in May 1983. Although the applicant has not provided a date, even if the applicant left the United States on May 31, 1983, she would have been absent from the United States for 46 days. Further, the AAO notes that the applicant did not include her trip to Trinidad in 1983 in the Form I-687. It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. Doubt cast on any aspect of the applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the application. *See Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

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.

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application.¹ On appeal, the applicant has not presented any new evidence of her entry into the United

¹ The AAO has reviewed the affidavits and declarations in the record of proceeding and agrees with the director that the evidence submitted does not provide sufficient evidence to overcome the burden of proof necessary to establish her eligibility for the benefit sought. None of the witness statements provide concrete information, specific to the applicant and generated by the asserted associations with him, which would reflect and corroborate the extent of those associations and demonstrate that they were a sufficient basis for reliable knowledge about the applicant's residence during the time addressed in the affidavits. To be considered probative and credible, witness affidavits must do more than simply state that an affiant knows an applicant and that the applicant has lived in the United States for a specific time period. Their content must include sufficient detail from a claimed relationship to indicate that the relationship probably did exist and that the witness does, by virtue of

States or her continuous residence during the requisite period. The applicant fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the application. Nor has she specifically addressed the basis for denial. As the applicant presents no additional evidence relevant to the grounds for denial, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(3)(iv).

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

that relationship, have knowledge of the facts alleged. Upon review, the AAO finds that, individually and together, the witness statements do not indicate that their assertions are probably true. Therefore, they have little probative value.