

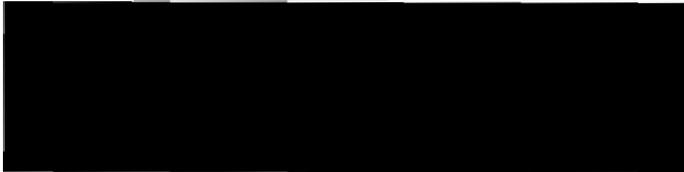
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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

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FILE:

MSC 06 060 13830

Office: NEW YORK

Date:

**JUN 05 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 "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 on appeal. The appeal will be dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, and a Form I-687 Supplement, CSS/Newman (LULAC) Class Membership Worksheet. 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 found irregularities between the applicant's testimony at his interview and his statements on his Form I-687. The director found the applicant's testimony implausible because he stated on his Form G-325A, Biographic Information, signed on April 22, 2002 that he resided in Pakistan from birth to 1985.

On appeal, the applicant states that because of family problems, he was upset at his interview. He further states that he filed his applications through attorneys and that those attorneys "misprinted some of the facts which do not belong to him." He explains that he traveled twice to Pakistan but could not enter this information on his application because he didn't have any "departure/re-entry records." He remarks that his children were born abroad in 1985, 1986, 1989 and 1993 in Pakistan and asserts that he resided from birth through 1980 in Pakistan.

The record reflects that the current Form I-687 under consideration was completed solely by the applicant. Had the application been completed by a person preparing the form other than the applicant, that person's signature and identifying information would have appeared in block number 43 of the Form I-687. It is noted that the applicant was not precluded from truthfully entering his departures and re-entries on his Form I-687, even if he had no departure/re-entry records. In fact, he did list departures to Pakistan for "family emergency" from May 1984 to June 1984 and from July 1985 to August 1985 on his Form I-687.

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 the denial of the application. The difference between the applicant's testimony, his statements on his Form I-687 and his Form G-325A have not been specifically addressed by the applicant on appeal, nor has he presented additional evidence. The appeal shall therefore be summarily dismissed.

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