



U.S. Citizenship
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FILE: [REDACTED]
MSC-05-236-15154

Office: LOS ANGELES

Date: **MAR 03 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.

John F. Grisson, 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, reopened, and again denied by the Director, Los Angeles. The matter is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The applicant must establish entry into the United States before January 1, 1982, and continuous residence in the United States since such date through the date the application is considered filed pursuant to the CSS/Newman Settlement Agreements. Section 245A(a)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1255a(a)(2).

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet. The director denied the application on March 29, 2006 after determining that the applicant was statutorily ineligible for temporary resident status in that the applicant testified under oath during his interview with an immigration officer on March 27, 2005 that he first entered the United States on June 2, 1991. The director also noted that the applicant had stated on his Form G-325, Biographic Information that he resided in Peru from March 1970 to May 1991, and on his Form I-589, Application for Asylum and/or Withholding of Removal, he stated that his date of entry into the United States was June 2, 1991. The director reconsidered the matter, and determined in his June 11, 2007 decision that although the applicant had submitted as evidence an employment letter and a statement made by the applicant, this evidence was insufficient to overcome the grounds for denial. The director noted that the applicant had failed to submit evidence sufficient to demonstrate his continuous residence and continuous physical presence in the United States throughout the requisite period. The director denied the application, finding that the applicant was not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, the applicant asserts that he has submitted sufficient evidence to establish his eligibility for the immigration benefit sought. The applicant states that during his interview with the immigration officer on March 27, 2005, the officer only asked him if he had first arrived in the United States on June 2, 1991, and that afterwards the interview was finished. He also states that he informed the officer that he entered the United States on October 28, 1981. The applicant asserts that the employment letter submitted by the [REDACTED] Farm Labor Contracting Company complies with regulatory standards. He also asserts that his [REDACTED] Adjustment of Status Application, indicates that he first arrived in the United States in June of 1991 because he was absent from the country during that month. The applicant states that during his Cancellation of Removal hearing he informed his attorney that he last entered into the United States in 1991 but that counsel did not effectively relay the information to the Court. The applicant does not submit any evidence on appeal. To meet his burden of proof, the applicant must provide evidence of eligibility apart from his own testimony. 8 C.F.R. § 245a.2(d)(6). Simply going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of

proof in these proceedings. *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972).¹ Contrary to the applicant's claim, the [REDACTED] employment letter does not conform to regulatory standards for attestations by employers. Specifically, the letter does not specify the address(es) where the applicant resided during the claimed employment periods, nor does it indicate the origins of the employment information. 8 C.F.R. § 245a.2(d)(3)(i).

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 director's decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence that is relevant to the grounds for denial or the stated reason for appeal. The appeal must therefore be summarily dismissed.

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

¹ It is noted that on March 2, 2004 the Court denied the applicant's Motion to Reopen his removal proceedings, noting that he had failed to establish prejudice arising from the alleged ineffective assistance of counsel claim.