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U.S. Department of Homeland Security
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Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:

[REDACTED]

Office: ATLANTA

Date:

MAR 05 2009

MSC 05 270 10274

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. 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. 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, Atlanta. That 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 she continuously resided in the United States for the duration of the requisite period. Specifically, the director noted that the applicant was served with a Notice Of Intent To Deny (NOID) on November 6, 2006 informing the applicant that she had failed to provide documentation establishing her eligibility for temporary resident status. The applicant responded to the NOID submitting some family pictures with handwritten dates on them. The applicant also submitted documents pertaining to her husband, [REDACTED] which establish that the applicant's husband had social security earnings as early as 1968. The director notes that this is the only evidence submitted by the applicant in support of her application.

On appeal, counsel states that the director erred in denying the claim and ignored the evidence. Counsel references witness affidavits that are "precise and consistent." The record, however, does not contain any witness affidavits on behalf of the applicant, and counsel does not identify the name of any affiant she refers to on the I-694. Counsel does not otherwise discuss the basis of the director's denial, the basis of the appeal, or submit additional evidence in support of the appeal.

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 denial of the application. The applicant did not specifically address the basis of the director's denial nor did she present additional evidence in support of the appeal. The appeal must therefore be summarily dismissed.

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