

identifying data deleted to  
prevent identity unwarranted  
invasion of personal privacy

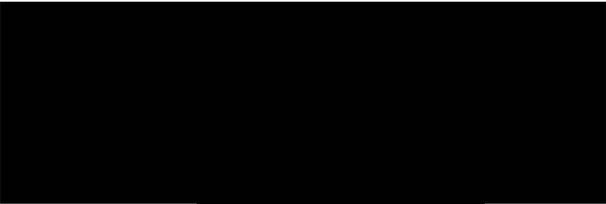
PUBLIC COPY

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

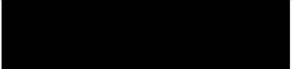


U.S. Citizenship  
and Immigration  
Services

41



FILE:



Office: LOS ANGELES

Date:

MSC 06 089 12430

MAR 18 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.

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, Los Angeles. The decision is now before the Administrative Appeals Office (AAO) 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 (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet. The director denied the application, finding that the applicant had not provided credible evidence to establish that he had entered the United States prior to January 1, 1982, and thereafter continuously resided in the United States in an unlawful status for the duration of the requisite period.

On appeal, the applicant resubmits a copy of the same affidavits that were submitted when filing his Form I-687 application. The record also contains affidavits from [REDACTED] and [REDACTED] and a letter from [REDACTED] that were not addressed in the director's decision.

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. On appeal, the applicant provided no new evidence or explanation to overcome the reasons for denial of his Form I-687 application.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. The affidavit from [REDACTED] states that he knows the applicant from church but does not give the name of church, where it is located, when they met, and any church-related events where they socialized. Mr. [REDACTED] states that the applicant resided continually in the United States since January 1982, and therefore, can not attest to the applicant's continuous residence in the United States since before January 1, 1982. Further, [REDACTED] states that the applicant lived with him at [REDACTED] North Hollywood, Ca. but the applicant never claimed to have resided at this address on his Form I-687 application. The affiants do not provide concrete information specific to the applicant's illegal entry into the United States on December 12, 1981 and his continuous unlawful residence in the United States for the duration of the requisite period. The affidavits submitted do not contain sufficient information to support the applicant's claim.

The letter from [REDACTED] signed by [REDACTED] states that the applicant resided at [REDACTED] Sun Valley, California, for five years and lived in the United States since 1988. The letter does not corroborate any of the information given by the applicant concerning his initial entry, periods and places of residence and employment in the United States throughout the requisite period. Further, the regulation at 8 C.F.R. § 245a.2(d)(3)(v) provides requirements for attestations made on behalf of an applicant by churches, unions, or other organizations. Attestations must (1) identify applicant by name; (2) be signed by an official (whose title is shown); (3) show inclusive dates of membership; (4) state the address where applicant resided

during membership period; (5) include the seal of the organization impressed on the letter or the letterhead of the organization, if the organization has letterhead stationery; (6) establish how the author knows the applicant; and (7) establish the origin of the information being attested to. The letter does not contain all of the aforementioned requirements and therefore will be given nominal weight.

Upon review, the applicant has not presented additional evidence and has not addressed the grounds stated in the director's denial. The appeal must therefore be summarily dismissed.

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