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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

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[REDACTED]

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FILE: [REDACTED]
MSC-06-095-17953

Office: NEW YORK

Date: **MAR 25 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:

[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, New York, and 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 after determining that the applicant had not established by a preponderance of the evidence that he had continuously resided in the United States in an unlawful status for the duration of the requisite period. The director also determined that the applicant was inconsistent during his immigration interview and on his immigration applications regarding his absences from the United States during 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.

In response to the Notice of Intent to Deny, the applicant submitted an affidavit from [REDACTED] in which he stated that he has known the applicant since 1981 and that the applicant once painted his house. He also submitted an affidavit from [REDACTED] in which he stated that he has known the applicant since the beginning of 1981 and that the applicant lived next door to him when he arrived in the United States. The affiants fail to specify the applicant's place of residence or the frequency with which they saw and communicated with the applicant during the requisite period. The affiants also fail to demonstrate first-hand knowledge of the applicant's entry into the United States or the circumstances of his residency during the requisite period. The affidavits are lacking in detail and can be attributed only little probative value.

On appeal, counsel indicated on the Form I-694, Notice of Appeal of Decision under Section 210 or 245A of the Immigration and Nationality Act, that she would be submitting a brief within 30 days of the notice. The appeal is dated July 17, 2006. To date, counsel has not filed any brief or evidence in support of the applicant's appeal.

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 Form I-687 application. On appeal, counsel has not overcome the grounds

stated for the denial, nor has the applicant presented additional evidence, 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.