



U.S. Citizenship
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Services

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[REDACTED]

FILE: [REDACTED]
MSC-06-088-11065

Office: NEW YORK

Date: MAY 05 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 noted in the Notice of Intent to Deny that the affidavit submitted by [REDACTED] did not appear to be credible. The director also noted that the applicant submitted photocopies of postmarked envelopes whose dates had been altered and whose stamps were printed after the postmarked dates. The director noted the inconsistencies in the record of proceeding regarding the applicant's statements concerning his alleged residency in the United States and his activities and affiliations 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.

On appeal, counsel asserts that the applicant has resided in the United States for over 25 years and that the affidavits submitted on his behalf are credible. Counsel further asserts that the applicant threw away his evidence of his presence in the United States since before January 1, 1982 after he was front-desked at the immigration office during the amnesty period. Counsel asserts that it has been an extreme hardship for the applicant to attempt to gather such evidence due to the passage of time. The applicant resubmits the [REDACTED] affidavit as evidence on 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, the applicant has not addressed the grounds stated for the denial, nor has he presented additional new 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.