



U.S. Citizenship
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Services

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FILE:

MSC 05 018 10874

Office: WEST PALM BEACH

Date: NOV 20 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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, 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.

Perry Rhew
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, West Palm Beach, Florida. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application on January 31, 2008, because the applicant did not establish that she had continuously resided in the United States in an unlawful status throughout the requisite time period. Specifically, the director found the applicant ineligible for temporary status because a review of the record revealed that she had first entered the United States in or around July 1988, stayed one week, departed and subsequently returned as a non-immigrant visitor for pleasure (B-2) with her children on January 29, 1989.

The applicant, through counsel, filed an appeal from the director's decision on February 26, 2008. On appeal, counsel submits a brief statement stating that the applicant should be determined to have been in unlawful status during the required periods; the affidavits submitted by the applicant were credible, verifiable, and more than sufficient to establish the facts at issue; and, no attempts were made to verify the authenticity or credibility of the documentation submitted. On appeal, counsel fails to address the basis of the director's decision to deny the application.

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. On appeal, counsel has not presented any additional evidence. Nor has counsel specifically addressed the basis for denial. Therefore, the appeal must be summarily dismissed.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 245a.2(d)(5) of the Act.

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