



U.S. Citizenship
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Services

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FILE: [REDACTED]
MSC 06 098 28468

Office: LOS ANGELES

Date:

NOV 23 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:

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.

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 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 she 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 states that she arrived and has lived in the United States since 1981. In her brief, the applicant states that she submitted additional declarations from people who have known of her presence in the United States since 1981.

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 resubmits a copy of the same declarations from [REDACTED] and [REDACTED] initially submitted with her Form I-687 application. It is evident from the record that the director considered all of the evidence submitted with the applicant's I-687 application. On appeal, the applicant provided no new evidence or an explanation to overcome the reasons for denial of her Form I-687 application.

An applicant applying for adjustment of status under this part has the burden of proving by a preponderance of evidence that he or she is eligible for adjustment of status under section 245a of the Act. 8 C.F.R. § 245a.2(d)(5). A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, 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.

The AAO notes further that the applicant was absent from the United States from January 18, 1984 to May 16, 1984 to give birth to her child, an absence in excess of 45 days. The applicant has not shown her absence from the United States was due to emergent reasons. Therefore, the applicant has interrupted any continuous residence she may have accrued during the requisite period and is not eligible for status as a temporary resident.

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