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

U.S. Citizenship
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Services

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[redacted]

FILE: [redacted] Office: NEW YORK Date: OCT 27 2009
MSC 06 095 14078

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. 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.

for 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, or *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 (AAO) on appeal. The appeal will be dismissed.

The director determined that the applicant had not established that he resided in the United States in a continuous unlawful status from before January 1, 1982 through the date of attempted filing during the original one-year application period that ended on May 4, 1988. The director noted that the applicant gave a sworn statement that he had been absent from the United States from Summer 1987 to February 9, 1988. The director, therefore, concluded that the applicant had not resided continuously in the United States for the requisite period and was not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, the applicant states, generally, that he has submitted sufficient evidence to establish his eligibility for Temporary Resident Status; and, that his interpreter provided an incorrect translation of his statement. The applicant does not submit additional evidence on appeal.

The applicant claims interpreter error, but does not provide evidence in support of his claim. At this late stage, the applicant cannot avoid the record he has created. As such, parts of its content cannot be purged from the record. According to the applicant his interpreter made an error in translating his sworn statement at his interview by stating that he re-entered the United States on February 9, 1988. It is noted, however, that the passport evidence in the record reflects that on November 27, 1987, the applicant was issued a U.S. non-immigrant visa in Dakar, Senegal, and he departed Dakar, Senegal, on February 9, 1988. It is also noted that the applicant indicated on his Form I-687 application(s) an entry into the United States on February 9, 1988. Clearly, this evidence contradicts the applicant's claim that his interpreter erred in the translation at the interview. The AAO has examined the entire record and makes its determination of the applicant's eligibility based on the entire record as constituted.

Any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. 8 C.F.R. § 103.3(a)(3)(iv). A review of the decision reveals that 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 basis for denial. The appeal must, therefore, be summarily dismissed.

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