

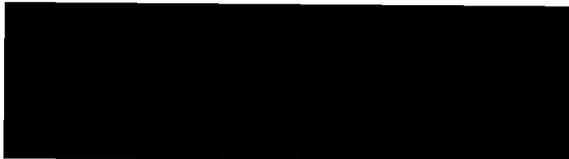
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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Administrative Appeals Office (AAO)  
20 Massachusetts Ave., N.W. MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services



L1

Date: **APR 13 2012** Office: CHARLOTTE, NC

FILE:



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: 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 Acting Field Office Director (director) in Charlotte, North Carolina. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant, a native of Ghana who claims to have lived in the United States since 1981, 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 (LULAC) Class Membership Worksheet on December 22, 2005. On November 1, 2006, the director denied the application, finding 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. On February 18, 2011, the applicant filed a Form I-290B, Notice of Appeal or Motion, requesting a motion to reopen and reconsider the denial of the Form I-687 on the grounds that the applicant did not receive the denial notice and was unable to file a timely appeal. On August 31, 2011, the director granted the motion finding that the applicant was not given an opportunity to file an appeal due to Service error. On the same date the director issued an amended decision and granted the applicant 90 calendar days to file an appeal. The applicant timely filed the appeal.

On appeal, the applicant asserts that the affidavits he submitted in support of his application should have been sufficient to establish his eligibility for the benefit sought. The applicant provided explanation for the evidentiary deficiencies noted in the decision. Going on the record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). The applicant also states that he is unable to produce his affiants, additional persons, or any additional evidence to substantiate his claim because he is currently detained by the United States Immigration and Customs Enforcement (USICE) officials. The applicant does not allege any legal or factual error in the director's decision, and does not address the evidentiary deficiencies cited in the Notice of Amended Decision. The applicant has not submitted new evidence bearing on the grounds for denial discussed in the decision. As of the date of this decision, no additional evidence has been submitted, and the record will be deemed complete.

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 decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not addressed the grounds stated for denial, and has not cited any error(s) in the decision nor has he presented additional evidence relevant to the grounds for denial or the stated reason for appeal. The appeal must therefore be summarily dismissed.



Page 3

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