



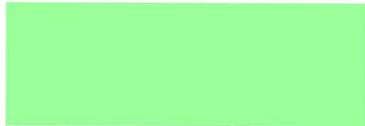
U.S. Citizenship
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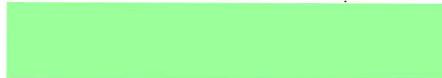
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Date: **FEB 27 2013**

Office: CHICAGO

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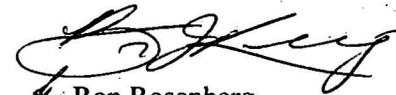
IN RE: Applicant: 

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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed or rejected, 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.


Ron Rosenberg,
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 Chicago Field Office Director, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director initially denied the application, finding the applicant had failed to establish his class membership. The applicant appealed that decision to the Special Master who granted the appeal. The director then denied the application on the merits, finding the applicant had failed to establish his continuous residence in the United States throughout the requisite period. Specifically, the applicant failed to adequately explain the inconsistency in his documentation regarding when he resided in the United States.

On appeal, counsel for the applicant asserts that the director disregarded the Special Master's decision by denying the application on the merits. The Special Master addressed only one issue, whether the applicant had established his class membership. The director adjudicated the application on the merits.

The director noted that the applicant had filed a Form G-325A in connection with a Form I-130 petition and Form I-145 application for adjustment to permanent resident status. In the Form G-325A, the applicant indicated that he resided in Mexico from birth to March 1989, whereas he indicated on the instant application that he began residing in the United States in 1981. Counsel asserts that the applicant cannot read and simply signed forms preparers placed before him. Without documentary evidence to support the claim, the assertions of counsel will not satisfy the petitioner's burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980).

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 the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not adequately addressed the major material inconsistency highlighted by the director. The appeal must therefore be summarily dismissed.

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