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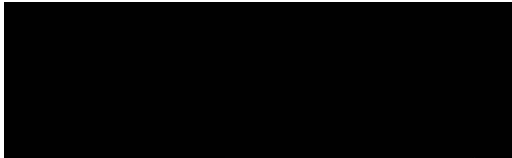
U.S. Department of Homeland Security
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U.S. Citizenship
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FILE: [REDACTED]
MSC-06-026-14000

Office: SEATTLE (TUKWILA)

Date: **07 10 2008**


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.


Robert P. Wiemann, 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, Seattle. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because he found the evidence submitted with the application was insufficient to establish eligibility for Temporary Resident Status pursuant to the terms of the CSS/Newman Settlement Agreements. In his Notice of Intent to Deny (NOID), the director stated that he intended to deny the application because the applicant failed to satisfy his burden of proving that he was eligible to adjust to temporary resident status. The director granted the applicant 30 days within which to submit additional evidence in support of the application. In his decision, the director noted that the applicant submitted a statement in response to the NOID, in which he asserted that all of his documents were destroyed during Hurricane Katrina. However, this statement was not sufficient to overcome the director's reasons for denial. The director noted in his decision that the record is not consistent regarding the applicant's residence in the United States during the requisite period. Though the applicant claimed that he resided continuously in the United States for the duration of the requisite period at the time of his Interview with a Citizenship and Immigration Services officer, his Form I-687 states that he was absent from the United States from December 1981 until September 1987 and then from September 1987 until June 2003. The director noted the applicant's Form I-687 also indicates that the applicant's first residence in the United States began in June 2005. The director concluded that these inconsistencies caused the applicant to fail to satisfy his burden of proof.

On appeal, the applicant reiterates that all of his possessions were destroyed by Hurricane Katrina. He states that it is difficult to submit documentary evidence because of this. It is noted that the applicant's Form I-687 indicates that his first and only address of residence in the United States is in Seattle, Washington.

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 presented additional evidence. Nor has he addressed the inconsistencies in the record that caused the director to deny the application. The appeal must therefore be summarily dismissed.

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