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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

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DATE: Office: LOS ANGELES

FILE: [REDACTED]

**JUL 29 2011**

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.

*Evelyn McCormack*

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 matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The record indicates that the applicant filed a Form I-687 Application for Temporary Resident Status on March 9, 2006. On December 26, 2006, the director denied the application noting that the applicant failed to appear for a scheduled interview and did not provide a valid reason for not appearing. Thus, the director indicated that the application was abandoned. On March 6, 2007, the applicant filed a motion to reopen stating that she received ineffective assistance from Hermandad Mexicana. On May 23, 2007, the director denied the motion to reopen.

On September 29, 2010, U.S. Citizenship and Immigration Services (USCIS) informed the applicant that, pursuant to a recent court order, applications for temporary resident status may not be denied based on abandonment. The applicant was informed that she was entitled to file an appeal with the AAO which must be adjudicated on the merits.

The AAO conducts appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). Following *de novo* review, the AAO found that that the director's basis for denial of the Form I-687 was in error. However, the AAO identified alternative grounds for denial of the application. Specifically, the AAO noted that the applicant failed to submit sufficient evidence in support of her application.

On appeal, the applicant states that she failed to appear at the interview due to a miscommunication with Hermandad Mexicana. The reason why the applicant failed to appear for the interview is not relevant to the outcome of this proceeding.

In an attempt to establish continuous unlawful residence since before January 1, 1982 through the end of the relevant period, the applicant provided written statements from [REDACTED] [REDACTED], and [REDACTED]. Their statements are not probative of either the applicant's entrance to the United States or her continuous residence throughout the relevant period. Further, their statements do not indicate how they date their initial meeting with the applicant, how frequently they had contact with the applicant, or how they have personal knowledge of the applicant's presence in the United States.

The AAO notes that the record also contains affidavits from [REDACTED] [REDACTED] stating that they knew that the applicant's parents were in the United States during the requisite period.

The affidavits all contain statements that the affiants have known the applicant for years and that attest to the applicant being physically present in the United States during the required period. These

statements fail, however, to establish the applicant's continuous unlawful residence in the United States for the duration of the requisite period. As stated previously, the evidence must be evaluated not by the quantity of evidence alone but by its quality; an applicant must provide evidence of eligibility apart from his or her own testimony; and the sufficiency of all evidence produced by the applicant will be judged according to its probative value and credibility.

None of the witness statements provide concrete information, specific to the applicant and generated by the asserted associations with the applicant, which would reflect and corroborate the extent of those associations and demonstrate that they were a sufficient basis for reliable knowledge about the applicant's residence during the time addressed in the affidavits. To be considered probative and credible, witness affidavits must do more than simply state that an affiant knows an applicant and that the applicant has lived in the United States for a specific time period. Their content must include sufficient detail from a claimed relationship to indicate that the relationship probably did exist and that the witness does, by virtue of that relationship, have knowledge of the facts alleged. Upon review, the AAO finds that, individually and together, the witness statements do not indicate that their assertions are probably true. Therefore, they have little probative value.

The record also contains an immunization record indicating that the applicant received vaccines on May 26, 1983, July 18, 1983, September 28, 1983, and September 21, 1988. This could be some evidence that the applicant was in the United States on those dates. However, the AAO notes that the immunization record lists an address for the applicant at [REDACTED] Hollywood, California. On the Form I-687, the applicant stated that she lived at [REDACTED] [REDACTED] from 1981 to 1988. The address on the immunization record is inconsistent with the information on the Form I-687 and calls into doubt the credibility of the evidence.

The AAO notes that the record contains a Form I-130, Petition for Alien Relative filed on April 1, 1992. Part C, Question #14 of the Form I-130, states that the applicant entered the United States without inspection in December 1982. The applicant listed only one absence on the Form I-687 during the requisite period from December 1987 to January 1988. The information in the Form I-130 is inconsistent with the information that the applicant submitted in support of her Form I-687 application.

The record is ambiguous about the date of the applicant's first arrival in the United States, stating both that she arrived in 1981 and in December 1982. The applicant may be therefore statutorily ineligible for temporary resident status.

It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the applicant submits competent objective evidence pointing to where the truth lies. Doubt cast on any aspect of the applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the application. See *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

On June 7, 2011, the AAO issued a notice of intent to deny (NOID) informing the applicant of the deficiencies in the record and providing her with an opportunity to respond. No response has been received.

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. Given the paucity of credible evidence contained in the record and the applicant's failure to respond to the NOID, the appeal will be summarily dismissed.

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