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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED]
MSC-05-245-11969

Office: NEW YORK

Date: DEC 06 2007

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:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case 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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the Director, New York District Office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she found the applicant had failed to meet his burden of proving by a preponderance of the evidence that he has resided in the United States for the requisite periods, is admissible to the United States under the provisions of section 245A of the Immigration and Nationality Act, and is otherwise eligible for adjustment of status under this section. The evidence submitted by the applicant failed to overcome the reasons for denial detailed in the Notice of Intent to Deny (NOID). Specifically, the NOID indicated that the applicant had stated on his Form G-325A Biographic Information included with a previous application that he resided in Pakistan from 1951 until 1990.

On appeal, counsel for the applicant asserted that the applicant stated he entered the United States in October 1980; that he made his previous applications with Citizenship and Immigration Services (CIS) without legal representation and with the help of a person who made clerical errors; that he was nervous in his interview with an immigration officer; and that he was friends with several people during the requisite period but has had difficulty encouraging them to come forward due to the passage of time, the individuals' fear of the immigration procedure, and other unknown fears. It is noted that, without documentary evidence to support the claim, the assertions of counsel will not satisfy the applicant'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). Counsel stated that the applicant has provided adequate evidence, and that CIS should not apply standards that are more severe than those contemplated by Congress. Counsel asked that the director's decision be reconsidered.

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 grounds stated for denial. Specifically, the applicant has provided no evidence, including his own statements, to explain his past inconsistent statements. The appeal must therefore be summarily dismissed.

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