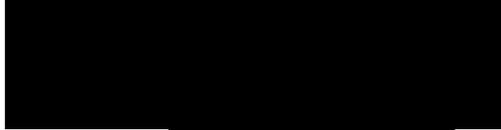


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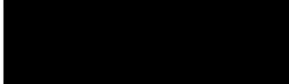
U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**



**DEC 10 2007**

FILE:



Office: NEW YORK

Date:

MSC-04-324-10017

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. 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for Temporary Resident Status was denied by the Director, New York District Office, and that decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she 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. Specifically, the applicant stated in his interview with a Citizenship and Immigration Services (CIS) officer that first entered the United States on January 29, 1983 with inspection. The record contains photocopies of pages of the applicant's passport that indicate that this was a date that he entered the United States with a valid visa. The applicant signed a sworn statement at the time of his interview confirming that this was his date of first entry into the United States. It is noted here that applicants for adjustment of status to that of a Temporary Resident must establish that they entered the United States on a date prior to January 1, 1982 to be eligible to adjust to that status pursuant to the regulation at 8 C.F.R. § 245a.2(b)(1).

Though not noted by the director, it is noted here that the record shows that the applicant was ordered deported from the United States on May 16, 1984 and that he was removed to Senegal on June 25, 1984. It is further noted that this indicates that he has not maintained continuous residence pursuant to the regulation at 8 C.F.R. 245a.2(h)(1)(iii), which specifies that to have maintained continuous residence in the United States, at the time of attempting to file for legalization during the original filing period, no previous departure can have been based on an order of deportation. As 1984 was prior to the original legalization filing period of May 5, 1987 to May 4, 1988, the applicant was deported before he could have attempted to file for legalization during that period.

On appeal, the applicant states that he made a mistake when he indicated that he first entered the United States in 1983. He states on his Form I-694 Notice of Appeal of Decision that he needs more time to obtain proof that he first entered in 1981. He indicates that he will submit a brief to Citizenship and Immigration Services within thirty (30) days. It is noted that the Service received his form I-694 on April 6, 2006. As of December 3, 2007, the Service has not received additional evidence from this applicant. Therefore, it is determined that the applicant has provided no additional evidence or explanation to overcome the reasons for denial of his application.

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. The appeal must therefore be summarily dismissed.

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