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

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FILE: [REDACTED]
MSC-05-223-10401

Office: BOSTON, MA

Date: NOV 01 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:

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 "R. Wiemann", written over a horizontal line.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for Temporary Resident Status was denied by the Director, Boston, Massachusetts District Office, and 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. Specifically, the director found that the applicant did not meet her burden of proving by a preponderance of the evidence that she entered the United States on a date prior to January 1, 1982 and then maintained continuous unlawful residence in the United States from that date and for the duration of the requisite period as applicants for Temporary Resident Status must do pursuant to the regulation at 8 C.F.R. § 245a.2(d)(5). It is noted here that to meet that burden, applicants for Temporary Resident Status must provide evidence apart from their own testimony. Here, the director did not find that this applicant met her burden with the evidence she submitted.

On appeal, the applicant submits a Form I-290B Notice of Appeal to the Administrative Appeals Office on which she states that she has continuously resided in the United States since 1980. She also submits a statement from [REDACTED] who states that he knows that the applicant resided in the United States since the 1980's. However, [REDACTED] states that he did not meet the applicant until 1988 and that he knows that the applicant began to live in the United States in the early 1980's because she told him that she had. Therefore, [REDACTED] has relied on the applicant's statement to him to establish her dates of residence in the United States. He has not established that he has personal knowledge of the circumstances of the applicant's residency during the requisite period. Therefore, the statement from [REDACTED] cannot be considered proof that meets the applicant's burden of providing evidence apart from her own testimony that proves by a preponderance of the evidence that she resided continuously in the United States for the duration of the requisite period. The applicant provided no additional evidence or explanation to overcome the reasons for denial of her 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 that overcomes the director's reasons for denial. The appeal must therefore be summarily dismissed.

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