



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-05-158-10879

Office: NEW YORK

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, 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 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, in her Notice of Intent to Deny (NOID), she noted that the applicant stated in his interview with a Citizenship and Immigration Services (CIS) officer that he first entered the United States in 1984. She further noted that he signed a sworn statement that contained this same testimony during his interview. Because of this, the director found the applicant had failed to meet his burden of establishing that he resided continuously in the United States for the duration of the requisite period and that he was eligible for adjustment of status 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 be considered eligible for adjustment of status, applicants must establish that they first entered the United States before January 1, 1982 pursuant to the regulation at 8 C.F.R. § 245a.2(b)(1). The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. The applicant failed to submit additional evidence that overcame the director's reasons for denial. Therefore, she denied his application.

On appeal, the applicant submits a form I-694 Notice of Appeal of Decision on which he states that he responded to the Service's letter. He requests the AAO to reconsider his application. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application with his Form I-694.

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.