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**U.S. Citizenship
and Immigration
Services**

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FILE:

MSC-05-215-11905

Office: NEW YORK

Date:

NOV 01 2007

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.


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, in her Notice of Intent to Deny (NOID), the director noted that at the time of the applicant's interview with a Citizenship and Immigration Services (CIS) officer on January 11, 2006, he stated that he first entered the United States in 1982 and that he left the United States in December of 1986 and did not return until 1994, eight (8) years later. The director stated that because of this, the applicant failed to meet his burden of proving by a preponderance of the evidence that he resided continuously in the United States for the duration of the requisite period and was otherwise eligible for adjustment of status. It is noted here that, pursuant to the regulation at 8 C.F.R.a.2(b)(1), in order to be eligible for adjustment of status to that of a Temporary Resident, applicants must establish that they first entered the United States prior to January 1, 1982. Here, the record shows the applicant first entered in November of 1982. The regulation at 8 C.F.R. 245a.2(h)(1)(i) further specifies that in order to have maintained continuous residence in the United States, no single absence during the requisite period can have exceeded forty-five (45) days. Here, the record shows the applicant was absent for a period that exceeded forty-five (45) days. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. Though the director noted that she did receive evidence from the applicant in response to her NOID, she did not find it was sufficient to overcome her reasons for denial.

On appeal, the applicant submits a Form I-694 Notice of Appeal of Decision on which he states that he will submit a brief within thirty (30) days. He further states that he is submitting copies of documents. He goes on to say that he has lived in the United States for a long time. It is noted that the Service received the applicant's Form I-694 on February 13, 2007. As of October 30, 2007, the Service has not received a brief or any documents from this applicant in support of his appeal.

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.