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U.S. Citizenship
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Services

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[REDACTED]

FILE:

MSC-05-133-11302

Office: NEW YORK

Date:

NOV 02 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 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 she found the documents the applicant submitted in support of his application were not sufficient to prove by a preponderance of the evidence that the applicant had resided continuously in the United States for the duration of the requisite period. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. The director noted that she received two (2) affidavits from the applicant in response to her NOID. However, she stated that as these documents could not be independently verified they did not allow the applicant to meet his burden of establishing that he resided in the United States continuously for the duration of the requisite period. Therefore, she found the applicant had not satisfied his burden pursuant to the regulation at 8 C.F.R. § 245a.2(d)(5) and she denied his application.

On appeal, the applicant submits a form I-694 Notice of Appeal of Decision on which he states that he has resided in the United States since 1981. He goes on to say that he previously submitted documents in support of his application. He requests the Service to reconsider his application. The applicant 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.