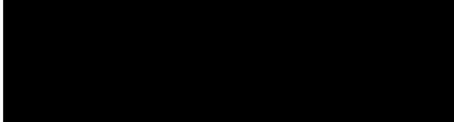




U.S. Citizenship
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Services

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FILE: [REDACTED]
MSC-06-101-27970

Office: SAN FRANCISCO 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:

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, San Francisco, California 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, in the director's Notice of Intent to Deny (NOID) he stated that the applicant failed to provide documentary evidence in support of his application. It is noted here that the regulation at 8 C.F.R. § 245a.2(d)(6) requires applicants to prove that they are eligible for adjustment of status to that of a Temporary Resident by submitting evidence apart from their own testimony. The director granted the applicant thirty (30) days within which to submit evidence in support of his application. Though the director noted that his office received evidence from the applicant in support of his application, he found it was not sufficient to prove by a preponderance of the evidence that the applicant had maintained continuous residence in the United States for the duration of the requisite period, as the regulation at 8 C.F.R. § 245a.2(d)(5) specifies applicants must do to establish they are eligible for this benefit. In saying this, the director noted that the Service contacted law enforcement officials regarding the applicant's claimed address of residence for the duration of the requisite period and found that this residence did not exist. Therefore, he denied the application.

On appeal, the applicant submits a Form I-694 Notice of Appeal of Decision on which he says that he left the United States in May of 1988 because his original legalization application was rejected. He goes on to say that all of his documents were destroyed and therefore he cannot provide credible documentation in support of 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.