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

**L1**



FILE:

MSC-05-151-10667

Office: NEW YORK, NY

Date:

**NOV 15 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.

A handwritten signature in black ink, appearing to read "R. P. Wiemann".

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 during the applicant's interview with a Citizenship and Immigration Services (CIS) officer, he indicated that he first entered the United States in 1983. The director also noted that the applicant signed a sworn statement indicating that he had not entered the United States until 1983. It is noted here that the applicant's Form I-687 does not show an address in the United States at which the applicant lived before 1983. The director stated that this indicated that the applicant had not satisfied his burden of proving, by a preponderance of the evidence, that he entered the United States before January 1, 1982 and then 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) requires applicants for Temporary Resident Status to do. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. Though the applicant did submit a statement in which he asserted that he had lived in the United States since 1981 and that he was very emotional during his interview, the director found that this statement was not sufficient to overcome her reasons for denial as stated in her NOID and she denied his application.

It is noted here that the regulation at 8 C.F.R. § 254a.2(d)(6) specifies that in order for applicants to satisfy their burden of proof of establishing that they are eligible for adjustment of status to that of a Temporary Resident they must submit evidence apart from their own testimony. Here, the record does not contain any documentation from the applicant other than his own testimony that is relevant to the duration of the requisite period and that asserts that the applicant maintained continuous residence in the United States at that time.

On appeal, the applicant states that he has resided in the United States since 1981. He states that he previously provided all of the documentation in support of his application. He asks that the AAO 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.