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**U.S. Citizenship  
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FILE:  Office: LOS ANGELES Date: **NOV 16 2007**  
MSC-05-249-13460

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:  


**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, Los Angeles 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 states that at the time of the applicant's interview on November 14, 2005, the applicant told the interviewing officer that her parents did not visit an office of the former Immigration and Naturalization Service (INS) or a Qualified Designated Entity. It is noted here that on May 5, 1987 the applicant, who was born in February of 1950, was twenty-seven (27) years old and therefore was not a minor. It is further noted that, though the applicant did not indicate the dates of their deaths, the applicant indicated that her parents were deceased on her Form I-687. The director went on to say that during her interview, the applicant stated that she had never left the United States since she entered in 1981. The director found that the applicant was not a class member as defined in the CSS/Newman Settlement Agreements. The director granted the applicant thirty (30) days within which to submit additional evidence in support of her application.

In response to the director's NOID, the applicant submitted a statement asserting that it was she and not her parents who was discouraged from filing during the initial legalization filing period. She explained that her parents lived in Africa and therefore she had answered truthfully that they had never been discouraged from filing for legalization when asked a question regarding their immigration history by the interviewing officer. The applicant went on to explain in this statement that she did leave the United States during the requisite period, but in the year 1988. She stated that the interviewing officer asked her if she ever the left the United States before 1988. The applicant also submitted two (2) affidavits from individuals who claim to have met the applicant at church. While not noted by the director, it is noted here that the applicant did not indicate that she was a member of a church on her Form I-687 when she was asked to do so.

In denying the applicant, the director noted that the affiants who provided the affidavits submitted in response to her NOID did not provide evidence of their residence in the United States during the requisite period or proof that they had contact with the applicant during that time. The director noted that her office had previously requested the applicant to provide such evidence. As the director found that the applicant failed to meet her burden of proof of establishing with a preponderance of the evidence that she resided 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 to do, the director found she was not eligible to adjust status to that of a Temporary Resident and denied her application.

On appeal, the applicant submits a Form I-694 Notice of Appeal of Decision on which she states that she feels she previously submitted evidence that proves that she resided in the United States for the duration of the requisite period. She indicates that she will submit a brief within thirty (30) days. It is noted that the Service received the applicant's Form I-694 on March 12, 2007. As of November 13, 2007 the Service has not received a brief or other evidence from this applicant in support of her appeal.

Therefore, it is determined that the applicant provided no additional evidence or explanation to overcome the reasons for denial of her 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 she 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.