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FILE: [Redacted]  
MSC-06-049-13115

Office: HARTFORD, CT

Date: **NOV 23 2007**

IN RE: Applicant: [Redacted]

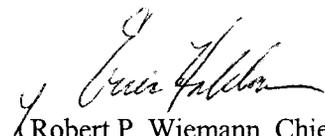
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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.

  
Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for Temporary Resident Status was denied by the Director, Hartford Field 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, the director noted in his decision that the applicant's absences from the United States indicated that he failed to maintain continuous residence in the United States for the duration of the requisite period. While it is noted that the director considered absences that occurred both within and outside of the requisite period in determining that the aggregate of all of the applicant's absences from the United States exceeded one hundred eighty (180) days, it is noted here that the applicant only showed one absence on his Form I-687 that occurred within the requisite period. This absence occurred from June to August of 1986. Without further evidence to the contrary, it appears that the applicant did not maintain continuous residence during the requisite period as to have done so pursuant to the regulation at 8 C.F.R. § 245a.2(h)(1)(i) which states that in order to have done so no single absence from the United States during the requisite period can have exceeded forty-five (45) days. The applicant bears the burden of proving that he or she maintained continuous residence in the United States for the duration of the requisite period pursuant to the regulation at 8 C.F.R. § 245a.2(d)(5). Here, because the applicant failed to meet this burden, the director denied the application.

On appeal, the applicant submits a statement in which he clarifies the dates of his absences both during and after the requisite period. In this statement he asserts that the dates in his passport that correspond with his absence from the United States during the requisite period are June 28, 1986 until August 13, 1986. The applicant indicates that this is an absence of forty-seven (47) days. It is noted here that this constitutes an absence of forty-six (46) days. Therefore, it appears that the applicant has not maintained continuous residence for the duration of the requisite period pursuant to the regulation at 8 C.F.R. § 245a.2(h)(1)(i). Though the applicant provided an explanation in an attempt to overcome the reasons for denial of his application, his explanation confirms the director's decision. The applicant did not submit additional evidence in support 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.