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U.S. Citizenship
and Immigration
Services

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FILE:

[Redacted]

Office: NEW YORK

Date:

NOV 29 2007

MSC-04-315-10240

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 applicant had failed to submit evidence sufficient to overcome the grounds for denial expressed in the Notice of Intent to Deny (NOID). The NOID stated that the applicant failed to submit credible documentation sufficient to meet his burden of proof by a preponderance of the evidence that he resided in the United States during the requisite period. In denying the application, the director described unsuccessful attempts to contact two affiants, and contact with one affiant who refused to be interviewed.

On appeal, the applicant stated that he is eligible for temporary resident status and that all the affidavits he submitted were provided by individuals he has been acquainted with for a long period of time. The applicant stated that two of his affiants have no recollection of being called by Citizenship and Immigration Services (CIS). The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application. Specifically, the applicant provided no additional evidence in support of the affidavits he submitted, which CIS was unable to confirm by contacting the affiants. In addition, the applicant failed to provide any explanation of his inability to obtain such evidence.

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.