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U.S. Citizenship  
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[REDACTED]

FILE: [REDACTED]  
MSC-06-027-12847

Office: NATIONAL BENEFITS CENTER

Date: **OCT 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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for Temporary Resident Status was denied by the Director of the National Benefits Center 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. It is noted here that applicants for Temporary Resident Status bear the burden of proving by a preponderance of the evidence that they have resided in the United States for the requisite period. 8 C.F.R. § 245a.2(d)(5). To meet their burden of proof, applicants must provide evidence of eligibility apart from their own testimony. 8 C.F.R. § 245a.2(d)(6). The regulation at 8 C.F.R. § 245a.2(d)(3) provides an illustrative list of documentation that an applicant may submit to establish proof of continuous residence in the United States during the requisite period. Here, the director noted in his Notice of Intent to Deny (NOID) that the applicant failed to submit evidence apart from his own testimony to prove that he was eligible to adjust to Temporary Resident Status. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. Though the director noted that the applicant did provide additional evidence in support of his application in response to the his NOID, the director found this documentation was insufficient to overcome his grounds for denial

On appeal, the applicant states that he lost all of his papers because they were stolen from him. He states that he is waiting for the police report number that will confirm this. He states that he has lived in the United States since 1981. He encloses birth certificates for his children showing that they were born in 1993, 1991 and 1990. However it is noted that these dates occur after the requisite period and therefore these documents are not relevant evidence. The applicant provided no additional relevant 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 relevant 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.