

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**



LI

FILE: MSC-04-336-11348

Office: NEW YORK

Date: OCT 02 2007

IN RE: Applicant:



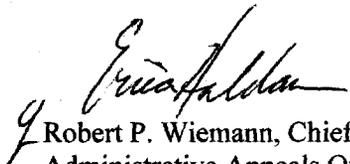
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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.

  
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 failed to present a case constituting a preponderance of evidence as to his residence in the United States during the statutory period. Specifically, the applicant testified that he was absent from the United States for trips that each exceeded 45 days and that exceeded 180 days in the aggregate.

On appeal, the applicant submitted evidence that the director had already considered or that did not relate to the requisite period. The applicant stated that he was appealing on "Humanitarian Grounds". He explained the contributions he has made to his community and stated that he is unlikely to become a public charge. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application. Specifically, the applicant did not indicate he was mistaken in his prior statements regarding his absences from the United States. He also failed to offer any explanation that might qualify him for an exception under the regulations and indicate he actually resided continuously in the United States throughout the requisite period.

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.