

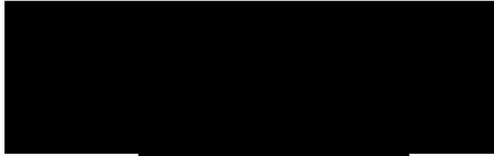
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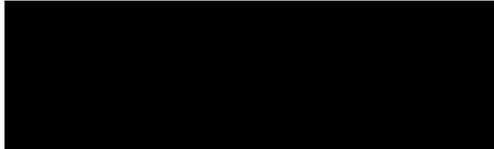
FILE: [REDACTED]  
MSC-05-146-10071

Office: NEW YORK Date: OCT 10 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:



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 prove by a preponderance of the evidence that he has resided in the United States for the requisite periods, is admissible to the United States under the provisions of Section 245A of the Immigration and Nationality Act, and is otherwise eligible for adjustment of status under this section. Specifically, the director noted that two documents submitted by the applicant were found to be fraudulent. The companies listed on the receipts did not exist until after the dates listed on the receipts. The director also mentioned the applicant's failure to address an inconsistency raised in the Notice of Intent to Deny, that related to the applicant's employment documentation.

On appeal, the applicant's attorney indicated the applicant had testified to the credibility of the documents he submitted. The attorney stated that the findings of fraud in the decision were not supported by facts or reasons and that the applicant stated that one of the companies in question had already been doing business at the time the receipt was created but may have been using another name. It is noted that without documentary evidence to support the claim, the assertions of counsel will not satisfy the petitioner's burden of proof. The unsupported assertions of counsel do not constitute evidence. *Matter of Obaighena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). The director specified the manner in which she had attempted to verify the receipts and the reasons she found them not credible. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application. Specifically, the applicant provided no additional evidence to indicate the companies in question actually did exist at the time the receipts were allegedly created. The applicant also provided no explanation as to why he was unable to obtain such evidence. Lastly, the applicant failed to address the inconsistencies the director raised regarding the applicant's employment documentation.

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 specifically addressed all 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.