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FILE: [REDACTED]
MSC-05-244-16060

Office: BOSTON

Date: OCT 12 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 Boston 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 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 cited the regulation at 8 C.F.R. § 245a.2(b)(2) which states in pertinent part that applicants for adjustment to Temporary Resident Status must establish, if they entered the United States legally as non immigrants prior to January 1, 1982, that their period of authorized admission expired through the passage of time prior to January 1, 1982 and that thereafter they resided continuously in the United States in an unlawful status. Here, the director noted that the applicant testified and evidence he presented supported that he entered the United States in December of 1981 legally, using an F-1 visa and then attended a University as a student. This indicates that the applicant's legal status as a student did not expire before January 1, 1982. Therefore, the director noted that the applicant is not eligible to adjust status to that of a Temporary Resident as, though he resided continuously throughout the duration of the requisite period, this residency was lawful.

On appeal, the applicant submits a brief that provides personal details and affirms that the applicant would like to adjust status to that of a Temporary Resident. He explains that he has previously submitted documents requested of him to his interviewing CIS officer. However, he does not submit a statement or other evidence showing that his residency in the United States became unlawful at a point in time that was prior to January 1, 1982 with his appeal. Therefore, the applicant has provided no evidence with his appeal that overcomes the director's reasons for denial.

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.