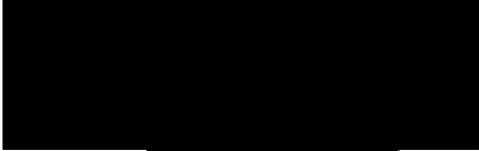




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FILE:

MSC-06-101-22148

Office: NEW YORK

Date: OCT 12 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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter 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, Director  
Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status was denied by the Director of the 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 evidence submitted by the applicant was insufficient to establish eligibility for Temporary Resident Status pursuant to the terms of the CSS/Newman Settlement Agreements. Specifically, the director noted in her Notice of Intent to Deny (NOID) both the applicant's absences or her addresses of residence during the requisite period were not consistently represented on forms she submitted to the Service, in affidavits she submitted in support of her application and during testimony she gave when she was interviewed by a CIS officer. The director further noted that the applicant submitted a school evaluation that she found showed that the applicant was absent from the United States for a period of time that exceeded forty-five (45) days. The director went on to say that she did not find other evidence submitted by the applicant was sufficient to prove, by a preponderance of the evidence, that she had maintained continuous residence in the United States for the duration of the requisite period. The director granted the applicant thirty (30) days within which to submit additional evidence in support of her application. Though the director noted that she did receive a response to her NOID, which the record indicates is a statement from the applicant's attorney, she noted that the applicant did not submit any new evidence that was sufficient to overcome her reasons for denial as stated in her NOID. Therefore, she denied the application.

On appeal, the applicant's attorney requests that the AAO consider the applicant's appeal for humanitarian reasons.

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.