



U.S. Citizenship
and Immigration
Services

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FILE:



Office: NEWARK, NJ

Date:

OCT 18 2007

MSC-05-292-14542

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, Newark, New Jersey 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. It is noted that an applicant for adjustment of status to that of a Temporary Resident has the burden of proving by a preponderance of the evidence that he has resided in the United States for the requisite period pursuant to 8 C.F.R. § 245a.2(d)(5). To meet his burden of proof, an applicant must provide evidence of eligibility apart from his own testimony pursuant to the regulation at 8 C.F.R. § 245a.2(d)(6). Here, the director stated in her Notice of Intent to Deny (NOID) that the applicant had not submitted evidence in support of his claim of having maintained continuous residence in the United States for the duration of the requisite period that was sufficient to prove by a preponderance of the evidence that he had done so. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. Because the applicant failed to submit additional evidence in response to the director's NOID, he did not overcome her reasons for denial and she denied his application.

On appeal, the applicant states that his interviewing officer erred in deciding his case. He indicates on his Form I-694 Notice of Appeal of Decision that he will submit a brief within thirty (30) days. It is noted that the Service received the applicant's Form I-694 on July 24, 2006. As of October 11, 2007 the Service has not received a brief or additional evidence from this applicant. It is therefore determined that the applicant has provided no additional 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 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.