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U.S. Citizenship
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FILE: [REDACTED]
MSC-05-208-10116

Office: NEW YORK

Date: OCT 23 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, 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 with the application was insufficient to establish eligibility for Temporary Resident Status pursuant to the terms of the CSS/Newman Settlement Agreements. Specifically, in her Notice of Intent to Deny (NOID), the director noted that the applicant did not provide sufficient evidence to establish that he had entered the United States before January 1, 1982 and then continuously resided in the United States since that time and for the duration of the requisite period. Therefore, she determined that the applicant did not meet his burden of proof pursuant to 8 C.F.R. § 245a.2(d)(5) which states in pertinent part that applicants applying for adjustment of status to Temporary Resident Status bear the burden of proof of proving by a preponderance of the evidence that they have resided in the United States for the requisite period. The regulation at 8 C.F.R. § 245a.2(d)(6) goes on to say in pertinent part that to meet this burden applicants must submit evidence other than their own testimony. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. Though the director noted that the applicant submitted two (2) affidavits in response to the Service's NOID, she determined that these affidavits were not sufficient evidence to meet the applicant's burden of proof as neither affidavit was amenable to verification. Therefore, she denied the application.

On appeal, the applicant asserts that he has been living in the United States since 1981. He states that he previously submitted affidavits in support of his application and goes on to say that he believes he is eligible to adjust status to that of a Temporary Resident. The applicant provided no additional new relevant 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.