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U.S. Citizenship
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[REDACTED]

FILE:

MSC-06-101-24597

Office: LOS ANGELES

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, Los Angeles 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. The regulation at 8 C.F.R. § 245a.2(d)(5) states that the applicant has the burden of proving by a preponderance of the evidence that he or she has resided in the United States for the requisite period. To meet his burden of proof, an applicant must provide evidence of eligibility apart from his or her own testimony. 8 C.F.R. § 245a.2(d)(6). The director of the National Benefits Center stated in his Notice of Intent to Deny (NOID) that the applicant failed to submit evidence apart from his own testimony proving that he maintained continuous residence in the United States during the requisite period, was continuously physically present in the United States from November 6, 1986 and then for the duration of the requisite period or that he was admissible as an immigrant. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. The director of the Los Angeles District Office noted that at the time of the applicant's interview on December 15, 2006 he provided testimony regarding his residences during the requisite period that was not consistent with testimony contained in affidavits he submitted in support of his application, casting doubt on whether the applicant resided continuously in the United States for the duration of the requisite period. Because the director 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 she denied the application.

On appeal, the applicant asserts that he is eligible to adjust status to that of a Temporary Resident. He further states that he will submit a brief with thirty (30) calendar days. The applicant signed his Form I-694, Notice of Appeal of Decision, on January 10, 2007 and it was received by the Service on January 17, 2007. As of October 10, 2007, the Service has not received a brief or additional evidence in support of this applicant's appeal. Therefore it is found 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.