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U.S. Citizenship
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OCT 23 2007
Date:

FILE: [Redacted]
MSC-04-302-10704

Office: ATLANTA, GA

IN RE: Applicant: [Redacted]

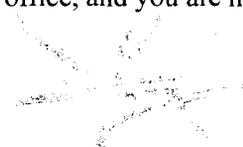
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

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, Atlanta, Georgia 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 stated that the applicant did not establish that she maintained continuous residence in the United States for the duration of the requisite period pursuant to 8 C.F.R. § 245a.2(h)(i) which states in pertinent part that in order to have maintained continuous residence during the requisite period an applicant can have no single absence from the United States that has exceeded forty-five (45) days and the aggregate of all absences during the requisite period cannot have exceeded on hundred and eighty (180) days. In saying this, the director noted that at the time of the applicant's interview with a Citizenship and Immigration Services (CIS) officer on June 30, 2005 the applicant signed a sworn statement in which she testified that she returned to India in March of 1983 and then did not re-enter the United States until March of 1984. As the applicant indicated that she was absent from the United States for approximately one (1) year, the director concluded that she had not resided continuously in the United States for the duration of the requisite period. It is noted here that the record shows that the applicant indicated she returned to India while she was pregnant and remained there until after her child was born. Therefore, her return to the United States was not delayed because of a circumstance that came unexpectedly into being as the applicant intended to remain in India for the duration of her pregnancy when she left the United States. The director granted the applicant thirty (30) days within which to submit additional evidence in support of her application. As the director did not receive additional evidence from the application she did not overcome the director's reasons for denial as stated in her NOID and she denied the application.

On appeal, the applicant states that she was forced to leave the United States for medical reason in 1983 as she could not afford the cost of medical care in the United States. She states that she has been a law abiding citizen in the United States. The applicant provided no additional evidence or explanation to overcome the reasons for denial of her 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.