



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

Office: NEW YORK

Date:

OCT 23 2007

MSC-05-133-10557

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 of the New York District Office and that decision 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, the director stated in her Notice of Intent to Deny (NOID) that the applicant could not recall her addresses of residence in the United States during the requisite period when she was interviewed by a Citizenship and Immigration Services (CIS) officer on March 1, 2006. The director went on to say that additionally, the applicant did not submit any school records though she claimed to have entered the United States when she was fifteen (15) years old nor did she submit medical records pertaining to the requisite period, casting doubt on whether the applicant continuously resided in the United States during that period. The director therefore found that the applicant did not satisfy her burden of proof pursuant to 8 C.F.R. 245a.2(d)(5), which states in pertinent part that applicants bear the burden of proving by a preponderance of the evidence that they 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. The director noted that in response to her NOID her office received a previously submitted affidavit as evidence in support of the applicant's application. However, the director noted that this affidavit was not amenable to verification. In denying the applicant the director reiterated that the applicant did not prove by a preponderance of the evidence that she resided continuously in the United States for the duration of the requisite period.

On appeal, the applicant states that she began working at a barbershop from the time she entered the United States when she was fifteen (15) years old. She goes on to say that she worked very hard and supported her mother since 1981. She goes on to say that she has a poor memory and tends to forget things easily because she had a difficult childhood. 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 she 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.