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U.S. Citizenship
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Services

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FILE:

MSC-04-365-10034

Office: NEW YORK

Date: OCT 25 2007

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, 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 claimed to have resided in the Hotel Bryant from July 1981, when he was thirteen (13) years old until August of 1997, when he was twenty-nine (29) years old with five (5) to six (6) other men. However, at the time of his interview with a Citizenship and Immigration Services (CIS) officer, he could not remember any of their names. She went on to say that the applicant submitted no evidence other than his own testimony in support of his application. Because of this, the director found the applicant did not meet his burden of proving by a preponderance of the evidence that he had continuously resided 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 his application. Though the director noted that she received evidence from the applicant in support of his application, which the record indicates is one (1) affidavit, in response to her NOID, she stated that it was not sufficient to overcome her grounds for denial as stated in her NOID.

On appeal, the applicant submits a statement in which asserts that he does not have any proof that he resided in the United States for the duration of the requisite period because at that time he was too young to rent an apartment. The applicant 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.