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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
MSC-05-178-10089

Office: NEW YORK

Date: OCT 25 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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for Temporary Resident Status was denied by the Director, 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, in her Notice of Intent to Deny (NOID), she stated that evidence submitted by the applicant was not sufficient to prove by a preponderance of the evidence that he entered the United States before January 1, 1982 and then resided continuously in the United States for the duration of the requisite period. Of note, the applicant showed on his Form I-687 and also stated at the time of his interview with a Citizenship and Immigration Services (CIS) officer that he was absent from the United States from June of 1984 to June of 1985. It is noted here that for applicants to have maintained continuous residence in the United States during the requisite period the regulation at 8 C.F.R. § 245a.2(h)(1)(i) states that no single absence from the United States can have exceeded forty-five (45) days and the aggregate of all absences cannot have exceeded one hundred eighty (180) days between January 1, 1982 until the applicant attempted to file for legalization during the original filing period unless the applicant can establish that his or her return was delayed due to emergent reasons. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. Though the director received both tax documents that were not relevant to the requisite period and a statement from the applicant saying that he did not have proof that he was in the United States during the requisite period because he lived with roommates, the director stated that these documents were not sufficient to overcome her reasons for denial as stated in her NOID. It is noted here that the applicant's statement also contained an explanation of why he was absent from June of 1984 until June of 1985. Here, he stated that he was gone due to his wife's pregnancy. He did not indicate that this return in June of 1985 was delayed due to emergent reason that came unexpectedly into being.

On appeal, the applicant submits a Form I-694 Notice of Appeal of Decision on which he states that he has lived in the United States since he was twenty-eight (28) years old, that he has submitted an affidavit in support of his application, that he has worked hard, paid taxes and that he has not ever been in trouble while he has lived in the United States. He goes on to submit a statement in favor of United States allowing fair immigration policies. With his Form I-694 and his statement 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.