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FILE: 
MSC-05-161-10775

Office: LOS ANGELES

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, Los Angeles 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), the director stated that she found that evidence submitted by the applicant was insufficient to prove, by a preponderance of the evidence that he resided continuously in the United States for the duration of the requisite period. The director noted that her office gave the applicant a Form I-72 requesting additional evidence from him. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. Though the director noted that her office received documents from the applicant in response to her I-72 Request for Evidence, she stated that she found this evidence was insufficient to overcome her reasons for denial.

Though not noted by the director, it is noted here that the AAO found that the record contained inconsistencies regarding the applicant's date of first entry into the United States and addresses of residence during the requisite period. Though the applicant claimed to have first entered the United States on June 3, 1981 on his affidavit for determination of class membership in the LULAC class, he also submitted an invoice for purchasing carpet from [REDACTED] in Los Angeles California that is dated March 6, 1981, approximately three (3) months before the applicant claims to have entered the United States. This invoice lists the applicant's address at the time as [REDACTED] California. However, the applicant did not indicate that this was ever an address he resided at on his Form I-687. A receipt from 1982 from [REDACTED] shows household items were sold to the applicant and shows him to be living at this same address. However, the applicant indicated that he lived on [REDACTED] on his Form I-687.

On appeal, the applicant submits a statement in which he asserts that he has resided in the United States since 1981. He goes on to say that he was paid in cash for jobs that he had since that time but that he is attempting to gain employment letters from individuals who employed him. 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.