

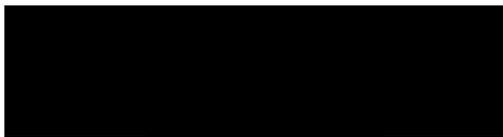
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U.S. Citizenship  
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FILE: [REDACTED]  
MSC-05-351-10677

Office: CLEVELAND, OH 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 of the Cleveland, Ohio District Office and that decision is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because she determined that the applicant did not establish, by a preponderance of the evidence, that he maintained continuous residence in the United States from January 1, 1982 to a period of time between May 5, 1987 and May 4, 1988. Specifically, in her Notice of Decision the director noted that at the time of his interview with a Citizenship and Immigration Services (CIS) officer the applicant indicated that he resided in the United States from January 1, 1982 until May of 1988. However, the director noted that applicant's for adjustment of Status to that of a Temporary Resident are required to establish their residence in the United States prior to January 1, 1982. The director therefore found that he was ineligible to adjust to Temporary Resident Status. She granted his thirty (30) days within which to submit evidence in support of his application. Though the director noted that her office received two (2) affidavits as additional evidence in response to her NOID in support of the application, she stated that these affidavits were insufficiently detailed to establish that the applicant was eligible to adjust status to that of a Temporary Resident and denied his application. It is noted here that while the director did not indicate why she found the affidavits submitted by the applicant insufficient evidence to meet the applicant's burden of proof, the affidavit from [REDACTED] states that [REDACTED] has known the applicant since March of 1988. Therefore, this affidavit pertains to only two months of the requisite period and not its duration. Furthermore, this same affiant previously submitted an affidavit that states that he has known the applicant since 1981. As this same affiant has provided testimony that is not consistent doubt is cast on the credibility of the testimony provided by this affiant. The affidavit from the African Islamic Center establishes that the applicant was a member of that center from 1996 and 1998. As such, it carries no weight in establishing that the applicant resided in the United States for any part of the requisite period.

On appeal, the applicant states that he would like the opportunity to remain in the United States legally. He asserts that someday he would like to become a Permanent Resident and then a Citizen of the United States and until that time he would like to be able to pay taxes. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application.

It is noted here that, the AAO could not determine whether the Service erred in rejecting the applicant's Form I-694 on one or more occasions. However, 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.