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U.S. Department of Homeland Security  
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U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
MSC-06-060-11999

Office: NATIONAL BENEFITS CENTER

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 National Benefits Center and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because he 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 his Notice of Intent to Deny (NOID) that the applicant failed to submit evidence apart from her own testimony proving that she maintained continuous residence in the United States during the requisite period, was continuously physically present in the United States from November 6, 1986 and then for the duration of the requisite period or that she was admissible as an immigrant. The director granted the applicant thirty (30) days within which to submit additional evidence in support of her application. Though the director noted that his office received evidence from the applicant in support of her application in response to his NOID, he found that the evidence submitted was insufficient to overcome his grounds for denial. In saying this, he noted that the applicant submitted her birth certificate but indicated that it was not relevant to this proceeding. He then referred to a letter of recommendation from [REDACTED] in which [REDACTED] indicates that she previously worked with the applicant. This letter does not indicate the dates [REDACTED] worked with the applicant and as such it does not offer proof that the applicant entered the United States since before January 1, 1982 and then resided in a continuous unlawful status since that date and then for the duration of the requisite period. The director found that this letter was not sufficient evidence to meet the applicant's burden of establishing, by a preponderance of the evidence that he resided in the United States for the duration of the requisite period as the regulation at 8 C.F.R. § 245a.2(d)(5) requires applicants for adjustment to Temporary Resident Status to do. Therefore, he denied the application.

On appeal, the applicant states that she paid her attorney to submit the correct information but believes he did not submit the evidence that she believed he would. In support of her application she resubmits the previously submitted affidavit from [REDACTED]. She further submits a statement in which she testifies that she has resided in the United States since 1994. She submits a letter from the Missionary Church Assembly of God saying she has attended that church since 1994, her birth certificate that states she was born in Mexico in 1970, and evidence that the applicant's father worked in Texas in 1962 and then from 1977 to 1984. It is noted here that the director denied the applicant because the applicant did not meet her burden of proving, by a preponderance of the evidence that she herself resided continuously in the United States for the duration of the requisite period. Therefore, the issue in this proceeding is whether the applicant resided continuously in the United States from a period of time before January 1, 1982 until she or her parent or spouse attempted to file for legalization during the original filing period between May 5, 1987 and May 4, 1988. Here, the evidence submitted by the applicant with her Form I-694 establishes that the applicant did not enter the United States until 1994. 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.



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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.