

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

41

[REDACTED]

FILE: [REDACTED]
MSC-05-217-10557

Office: BOSTON, MA

Date: OCT 26 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:
[REDACTED]

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 "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for Temporary Resident Status was denied by the Director of the Boston, Massachusetts 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 he 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. It is noted here that an applicant for Temporary Resident Status must establish that he or she entered the United States before January 1, 1982, and then maintained continuous residence in the United States in an unlawful status since such date and through the date the application is filed. Section 245A(a)(2) of the Immigration and Nationality Act (Act), 8 U.S.C. § 1255a(a)(2). Here, the director found that the applicant failed to meet his burden of establishing that he had maintained continuous residence in the United States for the duration of that period.

On appeal the applicant states that his interview was not conducted properly. He asserts that his rights to due process were violated during the course of the interview. It is noted that in response to this statement, the director granted the applicant an opportunity for a re-interview. The record shows that on the date of his re-scheduled interview, November 6, 2006, the applicant failed to appear for this second interview. The record does not indicate that either the applicant or his attorney requested to reschedule this interview. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application with his appeal.

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.