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U.S. Citizenship
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FILE: [REDACTED]
MSC-05-188-12157

Office: SACRAMENTO, CA

Date: **OCT 30 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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for Temporary Resident Status was denied by the Director, Sacramento, California District Office, 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, in his Notice of Intent to Deny (NOID), the director noted that the applicant submitted affidavits from individuals in support of his application but went on to say that they were not found credible. In saying this, he noted that the Service contacted affiant [REDACTED] from whom the applicant submitted an affidavit. The director noted that testimony from [REDACTED] when he was contacted by the Service was not consistent with the declaration he submitted in support of the applicant's application. The director went on to note the [REDACTED] lack of knowledge of the events and circumstances of the applicant's residence. The director also noted that while the applicant submitted an affidavit from his brother, [REDACTED] attesting to the applicant's residence in the United States during the requisite period, the applicant's brother previously indicated in his own asylum application that the applicant was in jail in India in 1985, casting doubt on the credibility of the applicant's assertion that he maintained continuous residence in the United States. It is further noted that doubt is also cast on the credibility of statements made by [REDACTED] regarding the applicant's residence. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. Though the applicant submitted new statements from [REDACTED] in support of his application, the director stated that these documents were insufficient to overcome his reasons for denial.

On appeal, the applicant submits a form I-694 on which he states that he previously submitted all available evidence in support of his application. He requests that the Service review his application and reconsider its decision. 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.