



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

L1

[REDACTED]

FILE: [REDACTED] MSC-05-168-10557

Office: NEW YORK

Date: SEP 07 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. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if the matter 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, New York, and that decision is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because she found the applicant did not establish by a preponderance of the evidence that he continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988. The director noted that on February 26, 2006 the applicant both testified during his interview with a CIS officer and then submitted a sworn statement indicating that he entered the United States for the first time in April of 1982 with his father using a valid visa. The director noted that the applicant did not submit any documents that indicated he maintained continuous residence in an unlawful status during the requisite period with his Form I-687 application.

On appeal, the applicant states that he did not receive the director's Notice of Intent to Deny (NOID). It is noted that though the director states that the applicant did not respond to her NOID in her decision, nothing in the record indicates that the director's NOID, which was sent certified mail, was returned to the Service. The record indicates that both the director's NOID and her decision were sent to the same address, [REDACTED]. It further is noted that this is the same address that the applicant provided as his current address when he submitted his Form I-694, Notice of Appeal of Decision.

The applicant further states that he failed to previously submit evidence in support of his claim of having maintained continuous residence in the United States because he was waiting for evidence to arrive. He goes on to say that he would like to appeal his case to allow him to submit more documents. In his Notice of Appeal, the applicant does not address any of the issues that caused the director to deny his Form I-687 application. No additional evidence was submitted with the applicant's Form I-694.

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.