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U.S. Citizenship
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FILE: [REDACTED] Office: NEW YORK
MSC-05-162-10356

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. In her Notice of Intent to Deny (NOID), the director stated she found that the affidavits from [REDACTED] submitted by the applicant as evidence that he maintained continuous residence in the United States during the requisite period were not credible nor were they amendable to verification. The director went on to say that these affidavits offered no proof that the affiant had direct personal knowledge of the events or circumstances of the applicant's residency. The director further noted that at the time of the applicant's interview on February 28, 2006, he indicated that he was absent from the United States for approximately two (2) months in 1986 when he went to Senegal. The director stated that this indicated the applicant had an absence that exceeded forty-five (45) days during the statutory period. The director noted that other than the affidavits submitted by one affiant which she did not find credible, 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. In denying the applicant's Form I-687 application, the director noted the above and that the applicant failed to submit additional evidence for consideration in response to her NOID.

On his Form I-694 Notice of Appeal of Decision, the applicant states that he would like to be given another chance to prove that he continuously resided in the United States during the requisite period. No additional evidence or statements were 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.