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U.S. Citizenship
and Immigration
Services

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SEP 10 2007



FILE:

MSC-05-138-11603

Office: NEW YORK

Date:

IN RE:

Applicant:



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-REPRESENTED¹

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

¹ Though the applicant indicates on his Form I-694 Notice of Appeal of Decision that he has an attorney, the record does not contain a Form G-28 or other evidence of an attorney of record.

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 that the applicant did not establish, by a preponderance of the evidence, that he entered the United States before January 1, 1982 and then maintain continuous residence in the United States through the time he attempted to file for legalization during the original filing period, between May 5, 1987 and May 4, 1988. In her Notice of Intent to Deny (NOID), the director stated she found that the applicant did not submit affidavits that she found credible and also did not otherwise meet his burden of establishing by a preponderance of the evidence that he maintained continuous residence in the United States during the requisite period. The applicant was then granted thirty (30) days within which to submit additional evidence in support of his application. In denying the applicant's Form I-687 application, the director noted the above and stated that evidence submitted in response to her NOID did not overcome her reasons for denial.

In this case, the director adjudicated the Form I-687 application on the merits. As a result, the director is found not to have denied the application for class membership.

With his Form I-694 Notice of Appeal of Decision, the applicant states he has more evidence that will be submitted soon and indicates both that he will submit a brief within 30 calendar days. He also states that he has an attorney representing him. However, the applicant submitted his appeal on June 21, 2006 and as of September 6, 2007 the Service has not received a brief from the applicant. Additionally, no additional evidence in support of the applicant's appeal or documents that indicate the applicant has an attorney of record have been received.

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.