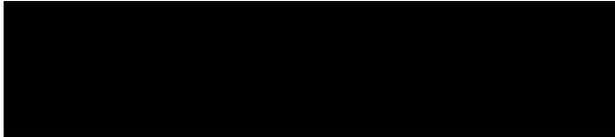




U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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FILE:



Office: NEW YORK

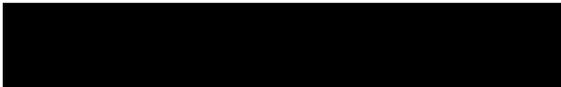
Date:

SEP 14 2007

MSC-05-222-11624

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-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 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 that the applicant had not submitted any evidence in support of his claim of having maintained continuous residence in the United States during the requisite period. Therefore, she stated he did not meet his burden of establishing by a preponderance of the evidence that he maintained continuous residence in the United States during that 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 stated that the affidavits submitted by the applicant as evidence that he had maintained continuous residence in the United States for the duration of the requisite period were insufficient to overcome the grounds for the detail as described in her NOID. The director went on to say that credible affidavits are those which include documents identifying the affiant, proof that the affiant was in the United States during the statutory period as well as a daytime telephone number at which the affiant can be reached. She noted that, though identification documents were submitted by the applicant with the affidavits, they did not otherwise meet the aforementioned criteria. The director further noted that she found the signatures of the affiants on their notarized statements clearly did not match the signatures on their accompanying photo identification. She therefore denied his application.

With his Form I-694 Notice of Appeal of Decision, the applicant waived his right to submit a brief or statement, but wrote on his form that he felt that the affidavits that he submitted in response to the director's NOID were credible and amendable to verification. He resubmitted these affidavits, stating that he felt that the service had erred in finding these documents not credible.

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.