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FILE: [REDACTED]
MSC-05-173-12193

Office: NEW YORK

Date: **SEP 27 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. 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, New York District Office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she 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, the director noted in her Notice of Intent to Deny (NOID) that at the time of his interview with a CIS officer on March 6, 2006, the applicant stated that he did not attempt to file for legalization during the original filing period. The director stated that she did not find the affidavit submitted by the applicant from [REDACTED] to be credible because it did not contain identity documents for the affiant nor did it contain proof that the affiant was in the United States during the statutory period. She went on to say that documents submitted by the applicant failed to establish by a preponderance of the evidence that he maintained continuous unlawful residence in the United States for the duration of the requisite period. It is noted here that this affidavit was the only evidence submitted by the applicant in support of his application. It is further noted that the director's NOID was sent to the applicant's address of record, which is the same address he has submitted with his Form I-694 Notice of Appeal of Decision. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. However, as the applicant did not submit additional evidence in response to the director's NOID, he failed to overcome her reasons for denial and she denied his application.

On appeal, the applicant states that he did not receive a request for additional evidence in support of his application. He goes on to say that he previously submitted documents in support of the credibility of his application. 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.