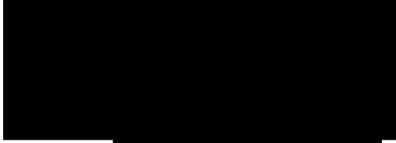


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FILE: MSC-05-151-10277

Office: NEW YORK

Date: SEP 27 2007

IN RE: Applicant: EBOU SARR

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. 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

¹ Though it is noted that the applicant has indicated on his Form I-694 Notice of Appeal of Decision that he has a lawyer who will represent him, the record does not indicate that the applicant has submitted a G-28 or other evidence of representation to the Service.

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, in her Notice of Intent to Deny (NOID), the director noted that the only evidence submitted by the applicant in support of his claim of having maintained continuous residence in the United States for the duration of the requisite period were affidavits. The director stated that credible affidavits are those which include a document identifying the affiant, proof that the affiant was in the United States during the requisite period, proof that there was a relationship between the applicant and the affiant and a current phone number at which the Service may contact the affiant for verification. The director went on to say that the affidavits submitted by this applicant did not meet these criteria and therefore were not deemed credible. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. Though the director noted that the applicant did submit additional affidavits in support of his application in response to her NOID, the director found that these additional affidavits were not credible nor were they amenable to verification for the same reasons that she found the previously submitted affidavits lacking. Therefore, the director found that the applicant had not met his burden of establishing by a preponderance of the evidence that he maintained continuous residence in the United States for the duration of the requisite period and denied his application.

On appeal, the applicant states that he is not satisfied with the director's decision regarding his application and asserts that he feels he is eligible to be granted temporary resident status. 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.