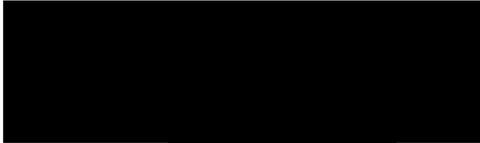


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FILE: [REDACTED]
MSC-05-244-10055

Office: CLEVELAND, OH

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.

A handwritten signature in black ink, appearing to read "R. Wichmann", written over a circular stamp or seal.

Robert P. Wichmann, Chief
Administrative Appeals Office

DISCUSSION: The application for Temporary Resident status was denied by the Director, Cleveland, Ohio District Office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because he 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 indicated in his Notice of Intent to Deny (NOID) that the applicant has two children who were born in Niger during the requisite period, that he does not speak English and that he submitted no evidence other than his own testimony to prove that he was present in the United States during the relevant time period. The director went on to say that this lead him to determine that the applicant was not eligible to adjust to Temporary Resident status. It is noted here that applicant's bear the burden of proving by a preponderance of the evidence that they have resided in the United States for the requisite period. To meet this burden of proof, an applicant must provide evidence of eligibility apart from his or her own testimony. 8 C.F.R. § 245a.2(d)(5) and 8 C.F.R. § 245a.2(d)(6). The regulation at 8 C.F.R. § 245a.2(d)(3) provides an illustrative list of documentation that an applicant may submit to establish proof of continuous residence in the United States during the requisite period. This list includes: past employment records; utility bills; school records; hospital or medical records; attestations by churches, unions or other organizations; money order receipts; passport entries; birth certificates of children; bank books; letters or correspondence involving the applicant; social security card; selective service card; automobile receipts and registration; deeds, mortgages or contracts; tax receipts; and insurance policies, receipts or letters. An applicant may also submit any other relevant document pursuant to 8 C.F.R. § 245a.2(d)(3)(vi)(L). The director granted the applicant thirty (30) days within which to submit evidence in support of his application. The director found that the evidence submitted by the applicant in response to his NOID, a personal statement from the applicant, was insufficient to overcome the grounds for denial as stated in his NOID. Therefore, the director denied his application.

On appeal, the applicant states that he has previously submitted all of the evidence he has in support of his application. He goes on to state that he has lived in the United States from 1981 until 1992 with no absence lasting for more than forty-five (45) days. It is noted here that the applicant indicated on his Form I-687 that he entered the United States in 1980 rather than in 1981. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application. Therefore, the applicant has not submitted evidence of eligibility apart from his own testimony in support 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.