



U.S. Citizenship
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[REDACTED]

FILE: [REDACTED]
MSC-05-155-11586

Office: LOS ANGELES

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, Los Angeles 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 that the applicant stated on his Form I-687 that he lived in Calexico from August of 1981 until December of 1987, yet he submitted affidavits from individuals who claim that the applicant has lived in Los Angeles since 1981. She went on to say that affidavits submitted with the applicant's Form I-687 contained testimony from individuals who stated the applicant had lived in the United States since January, February and May of 1981, which was not consistent with what claimed at the time of his interview, when he stated that he did not enter the United States until June of 1981. The director also noted that the applicant submitted affidavits from [REDACTED] stating that the applicant worked for him from January of 1981 until April of 1986 and that he also submitted a letter from [REDACTED] that states that the applicant worked as a painter from 1980 until 1982. The director noted here that the applicant did not claim to have entered the United States until June of 1981 and that he would have been thirteen (13) years old in 1980, casting doubt on the credibility of these employment verification letters. Citing these inconsistencies, the director stated that the applicant failed to meet his burden of proof of establishing by a preponderance of the evidence that he resided continuously in the United States for the duration of the requisite period.

On appeal, the applicant states that he provided testimony that was inconsistent with documents in the record because he has been ill and has been taking medication. The applicant goes on to say that he was confused during his interview because of his medical condition and because of the medication he is taking. It is noted that the record indicates that the applicant suffered a stroke and is currently undergoing medical care. However, it is also noted that though the director noted that the applicant's testimony was not consistent with documents in the record, she also found documents submitted in support of his application internally inconsistent. The applicant's mental state at the time of his interview would not explain these inconsistencies. The applicant provided no additional evidence or explanation to overcome these additional 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.