



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

41

FILE:

MSC-05-148-10845

Office: NEW YORK

Date: SEP 27 2007

IN RE:

Applicant:

APPLICATION:

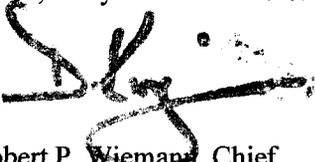
Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. 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. Wieman, 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, in her Notice of Intent to Deny (NOID) the director stated that affidavits submitted by the applicant in support of his claim of having maintained continuous residence during the requisite period were neither credible nor were they amenable to verification. Further, the director noted that at the time of his interview with a CIS officer, he testified that he departed the United States in October 1986, which was not consistent with what he showed on his Form I-687. The director found this cast doubt on the length of the applicant's absences during the statutory period. Therefore, the director found that the applicant failed to establish, by a preponderance of the evidence, that he had maintained continuous residence in the United States for the duration of the requisite period. 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 evidence in response to her NOID, she found this additional evidence was insufficient to overcome her grounds for denial as the affiants from whom the applicant submitted affidavits did not offer proof that they had direct knowledge of the applicant's entry or residency during the statutory period nor did they offer evidence that they themselves were physically present in the United States during that time.

On appeal, the applicant states that the director's grounds for denying his application were "too light." He asserts that the two affidavits from witnesses submitted in support of his application were sufficient evidence. He goes on to say that he believes he is eligible to adjust status to that of a temporary resident. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application with his Form I-694 Notice of Appeal of Decision.

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.