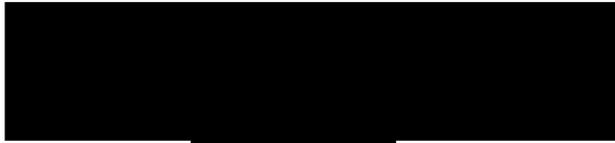


identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

PUBLIC COPY



41

FILE: [REDACTED]  
MSC-06-089-14822

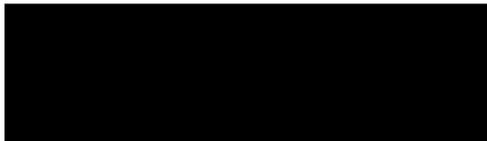
Office: NEW YORK

Date: SEP 27 2007

IN RE: Applicant: [REDACTED]

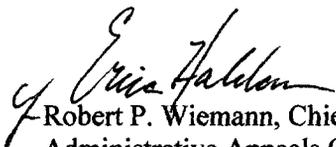
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:



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 information and documentation submitted by the applicant were insufficient to overcome the grounds for denial described in the Notice of Intent to Deny (NOID). Specifically, the applicant submitted no affidavits or other evidence in support of his claim. The director also expressed confusion at the comments made by the applicant's attorney in response to the NOID, which asserted that the applicant's evidence was genuine and bona fide, since the applicant did not submit any evidence in support of his claim of continuous presence and unlawful residence in the United States.

On appeal, the applicant's attorney referred to the applicant having submitted original documents and having testified under oath to the credibility of those documents. However, the record contains no evidence that is relevant to the applicant's claims of continuous presence and unlawful residence throughout the requisite periods. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application. Specifically, the applicant did not provide any explanation for the lack of evidence in the record or refer precisely to evidence submitted that would prove he meets the requirements for temporary resident status.

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.