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U.S. Citizenship
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Services

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FILE: [REDACTED]
MSC-04-365-10145

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: 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 "Robert P. Wiemann".

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 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 at the time of the applicant's interview on June 27, 2005, he testified and then submitted a sworn statement indicating that he was absent from the United States for more than forty-five (45) days during the requisite period. She noted that the applicant's testimony regarding his absences was not consistent with what he showed as his absences on his Form I-687. The director found that this discrepancy cast doubt on the applicant's claim of having maintained continuous residence in the United States for the duration of the requisite period. The director also found that the applicant only submitted one (1) affidavit in support of his claim of having maintained continuous residency in the United States during the requisite period and that affidavit appeared to be neither credible nor amenable to verification. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. As the applicant failed to submit additional evidence for consideration in making a decision in his case, he did not overcome the director's reasons for denial as stated in her NOID, and she denied his application.

On appeal, the applicant states that he will submit a brief within thirty (30) days and that he would like more time to obtain supporting documentation. It is noted that the applicant's form I-694 Notice of Appeal of Decision was submitted on August 8, 2006 and as of September 25, 2007 the Service has not received a brief from this applicant. Further, 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.