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U.S. Citizenship
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FILE: [REDACTED]
MSC-05-155-11133

Office: CINCINNATI

Date: SEP 28 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:

[REDACTED]

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, Cleveland 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 applicant had failed to prove by a preponderance of the evidence that he has resided in the United States for the requisite periods, is admissible to the United States under the provisions of Section 245A of the Immigration and Nationality Act, and is otherwise eligible for adjustment of status under this section.

On appeal, the applicant indicated he had initially filed the application without the assistance of counsel and was unaware of his burden of proof. He indicated he had filed a request under the Freedom of Information Act and was also in the process of obtaining additional evidence. The applicant requested an additional 60 days to submit a brief. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application.

The AAO contacted the applicant and his attorney on August 10, 2007 to explain that the AAO had not yet received a brief, although more than 16 months had passed since the applicant submitted his appeal. An additional month has passed since the AAO contacted the applicant and his attorney, and no response has been received. Therefore, the record will be considered complete.

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.