

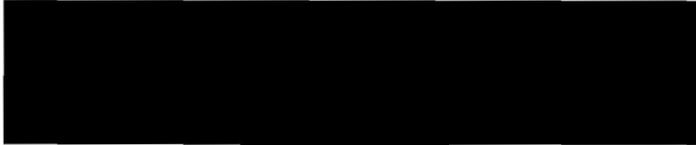
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FILE:



Office: NEW YORK

Date:

APR 15 2008

MSC 05-153-10679

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for temporary resident status was denied by the District Director, New York. A motion to reopen, filed by the applicant, was granted by the director and she again denied the application. The applicant appealed the director's decision on the motion. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director concluded the applicant failed to establish he resided in the United States since January 1, 1982.

On his Form I-290B, Notice of Appeal to the AAO, filed on October 5, 2007, the applicant stated, "As I stated, I came in the country prior to January 1, 1982, with my father; and I used to reside with him. He passed in 1990 when he returned home. I do not have record of him or me during my early years here. He had everything. But, I sent you affidavits of witness in support to my claim. Those are the only documentation I could provide, because it's been a long time. I am pleased to ask you to reconsider your decision." The applicant did not allege any legal or factual error in the director's decision and did not submit additional documents. As of the date of this decision, no additional evidence has been submitted, and the record will be deemed complete.

Any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. 8 C.F.R. § 103.3(a)(3)(iv). A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence and has not addressed the basis for denial. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.