



U.S. Citizenship
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Services

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FILE:

MSC-05-182-10495

Office: ATLANTA

Date:

JUN 20 2008

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. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the Director, Atlanta 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, the applicant did not submit sufficient evidence of her initial entry into the United States prior to January 1, 1982 or her continuous residency in the United States for the duration of the statutory period.

The record contains two documents in support of the application. First, the applicant submitted a notarized letter from her sister, [REDACTED], stating that the applicant was living in the United States in 1981. She provided no additional information that would corroborate her claims, nor did she state that she has direct, personal knowledge that the applicant resided continuously in the United States following 1981. The second piece of evidence submitted is the applicant's mother's legalization application. This application does not refer to the applicant and therefore is not probative of the applicant's eligibility for the benefit sought.

On appeal, the applicant did not submit any additional information that would support her claims of eligibility. She provided no additional evidence or explanation to overcome the reasons for denial of her application.

As the director noted in her decision, an applicant for temporary resident status must establish entry into the United States before January 1, 1982, and continuous residence in the United States in an unlawful status since such date and through the date the application is filed. Section 245A(a)(2) of the Act, 8 U.S.C. § 1255a(a)(2). The applicant must also establish that he or she has been continuously physically present in the United States since November 6, 1986. Section 245A(a)(3) of the Act, 8 U.S.C. § 1255a(a)(3). The regulations clarify that the applicant must be physically present in the United States from November 6, 1986 until the date of filing the application. 8 C.F.R. § 245a.2(b).

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 she 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.