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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-05-230-30680

Office: SEATTLE

Date:

OCT 18 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.


for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the Director, Seattle 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 not submitted credible, verifiable evidence to show that he has met the continuous residence and continuous physical presence requirements for temporary resident status. In the decision, the director erroneously referred to 8 C.F.R. § 245a.15(a) and 8 C.F.R. § 245a.16(a), although the regulations pertaining to residence and presence requirements for temporary residence are 8 C.F.R. § 245a.4(b)(8) and 8 C.F.R. 245a.4(b)(12), respectively. The director explained that the applicant's asylum application that contradicted his claim of continuous residence and presence during the requisite periods. Specifically, the applicant indicated he was in India during 1984, 1985 and 1986, and spent 59 days in a prison in India during 1984.

On appeal, the applicant stated that he has been living in the United States since 1976. The applicant explained his progress in gathering documentation, and explained the difficulty in obtaining documentation after the passage of time. The applicant also listed contact telephone numbers for affiants, for whom contact numbers were already listed at the time the applicant submitted their affidavits.

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. Specifically, the applicant failed to address the inconsistencies between his application for asylum and his application for temporary resident status. The appeal must therefore be summarily dismissed.

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