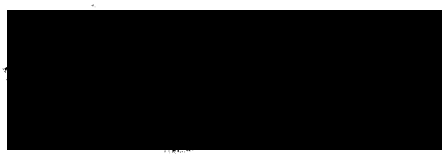
**U.S. Department of Homeland Security**
20 Mass. Ave., N.W., Rm. A3042.
Washington, DC 20529

**U.S. Citizenship and Immigration Services**



FILE: Office: CALIFORNIA SERVICE CENTER Date:

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. All documents have 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, Director
Administrative Appeals Office

**DISCUSSION:** The termination of temporary resident status by the Director, California Service Center is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant appears to be represented, however, no Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been furnished. Therefore, this decision will be sent to the applicant only.

The director terminated the applicant's status because the applicant had failed to provide evidence that he had resided in the United States *in an unlawful status* from prior to January 1, 1982 until the autumn of 1986.

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).

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 comprehensively set forth a legitimate basis for termination of the applicant's status. On appeal, the applicant simply stated that his status was unlawful before 1982, without explaining the basis for the alleged unlawfulness. It is noted that he did not claim on his application to have been in an unlawful status before, or as of, January 1, 1982. On appeal he also made the unsupported assertion that requiring an alien to demonstrate that he was in an unlawful status is a violation of equal protection and due process. The applicant also indicated that a brief would be filed by July 31, 2002, but none was ever received.

On appeal, the applicant has not presented evidence in support of the claim. Nor has the applicant specifically addressed the grounds stated for the termination. The appeal must therefore be summarily dismissed.

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