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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
XEM 88 511 8187

Office: CALIFORNIA SERVICE CENTER

Date: AUG 31 2006

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. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if the matter 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 initially denied and subsequently reopened by the Director, Western Regional Processing Facility. The application was denied again by Director, Western Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The facility director initially denied the application after determining that the applicant had not filed a complete application as required by 8 C.F.R. § 245a.2(d) and had not appeared on two occasions for the requisite interview pursuant to 8 C.F.R. § 245a.2(j).

On appeal from this initial denial, the applicant stated that he never received correspondence relating to the denial of his application from the Immigration and Naturalization Service or the Service (now Citizenship and Immigration Services or CIS).

The record shows that the facility director subsequently reopened the case in order to issue a new notice of intent to deny to the applicant on October 30, 1992 and mailed the notice to his address of record. The record shows that the Service's notice was returned by the United States Postal Office (U.S.P.S.) marked as "no such address," and containing the handwritten notations "moved" and "ns#."

The center director determined that the applicant failed to submit documentation to establish that he continuously resided in the United States from prior to January 1, 1982 to May 4, 1988 as required by section 245A(a)(2)(A) of the Immigration and Nationality Act (Act), 8 U.S.C. § 1255a(a)(4), and denied the application on March 8, 1994. The record shows that the denial notice was again mailed to the applicant's address of record and returned by the U.S.P.S. marked as "unclaimed." A review of the record reveals that the applicant has subsequently failed to contact the Service or its successor CIS either to provide a change of address or submit a statement, brief, or evidence to supplement his appeal. Therefore, the record must be considered complete.

An applicant for temporary resident status under section 245A of the Act has the burden to establish by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States, and is otherwise eligible for adjustment of status under this section. 8 C.F.R. § 245a.2(d)(5).

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. The applicant has failed to address the reasons stated for denial and has not provided any additional evidence on appeal. The appeal must therefore be summarily dismissed.

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