



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-05-166-10135

Office: NEW YORK

Date: NOV 14 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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for Temporary Resident Status was denied by the Director, New York 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 director stated in her Notice of Intent to Deny (NOID) that affidavits submitted by the applicant in support of her application were not found credible because they did not include documents identifying the affiants, proof that the affiants were in the United States during the requisite period, proof that there was a relationship between the applicant and the affiants and current phone numbers at which affiants could be reached to verify information contained in the affidavits. The director went on to say that only two (2) affidavits submitted by the applicant pertained to the duration of the requisite period and both of these affidavits lacked these criteria. The director therefore found that the applicant failed to prove, by a preponderance of the evidence, that she entered the United States on a date before January 1, 1982 and then maintained continuous residence from that time and for the duration of the requisite period as the regulation at 8 C.F.R. § 245a.2(d)(5) requires applicants to do. The director granted the applicant thirty (30) days within which to submit additional evidence in support of her application. Because the applicant failed to submit additional evidence in support of her application in response to the director's NOID, she did not overcome the reasons for denial as stated in that NOID.

On appeal, the applicant submits a Form I-694 Notice of Appeal of Decision on which she states that she has resided in the United States since 1981. She goes on to say that she previously submitted documents in support of her application. She requests the AAO to reconsider the Service's decision. The applicant provided no additional evidence or explanation to overcome the reasons for denial of her application with her Form I-694.

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.