



U.S. Citizenship
and Immigration
Services

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OCT 23 2007

FILE: 
MSC-06-095-11376

Office: SEATTLE, WA

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. 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, Seattle, Washington District Office, and that decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because he 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. The regulation at 8 C.F.R. § 245a.2(d)(5) states that the applicant has the burden of proving by a preponderance of the evidence that he or she has resided in the United States for the requisite period. To meet his or her burden of proof, an applicant must provide evidence of eligibility apart from his or her own testimony. 8 C.F.R. § 245a.2(d)(6). Specifically, in his Notice of Intent to Deny (NOID), the director stated that the evidence submitted in support of this applicant's application was not sufficient to prove, by a preponderance of the evidence that he resided continuously in the United States for the duration of the requisite period. In saying this he noted that the applicant submitted two cash receipts from 1984 and 1985 from a business in Modesto, California and an additional receipt from February 7, 1982. However, none of these receipts offered proof that the receipts were associated with the applicant. The director went on to say that information in affidavits submitted by the applicant conflicted with what he showed on his Form I-687 and with each other regarding the dates and locations of his employment during the requisite period. Therefore, the director found that the affidavits submitted were not credible, nor were they verifiable and that the totality of the evidence was not sufficient to prove by a preponderance of the evidence that the applicant resided continuously in the United States for the duration of the requisite period. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. As the applicant did not submit additional evidence within that time period, the director found he did not overcome the reasons for denial as stated in the NOID and denied his application.

On appeal, the applicant submits a Form I-694 Notice of Appeal of Decision on which he states that he has resided continuously in the United States for the duration of the requisite period. He goes on to say that because he was not living in the United States legally at that time, it is difficult to obtain evidence in support of his application. He states that he previously submitted all available evidence in support of his application. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application.

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. The appeal must therefore be summarily dismissed.

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