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U.S. Citizenship
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Services

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LU

FILE:

MSC-05-155-10126

Office: NEW YORK

Date: **OCT 31 2007**

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, 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, in her Notice of Intent to Deny (NOID), the director noted that though the applicant would have been four (4) years old on the date she claims to have first entered the United States, she provided no affidavit from an adult who was responsible for her care at that time. The applicant further failed to provide school records or evidence that she had ever received medical care or vaccinations which the director noted are available to children in New York State. Because the applicant failed to provide evidence in support of her claim of having maintained continuous residence in the United States for the duration of the requisite period, the director found the applicant ineligible to adjust status to that of a Temporary Resident pursuant to the regulation at 8 C.F.R. § 245a.2(d)(5). The director granted the applicant thirty (30) days within which to submit additional evidence in support of her application. Though the director noted that her office did receive a statement from an individual who claimed that the applicant was a customer at a dry cleaning establishment where she worked part time during the requisite period, the director found this statement was insufficient evidence to meet the applicant's burden of establishing by a preponderance of the evidence that she had maintained continuous residence in the United States for the duration of the requisite period and denied her application.

On appeal, the applicant states that she has resided in the United States for the duration of the requisite period and that she previously provided all of the necessary documentation in support of her application. She requests that the Service reconsider its decision regarding her case. The applicant provided no additional evidence or explanation to overcome the reasons for denial of her 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 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.