U.S. Department of Homeland Security
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Washington, DC 20529

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U.S. Citizenship and Immigration Services

PUBLIC COPY

[redacted]

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FILE: [redacted] Office: NEW YORK Date: SEP 27 2007

MSC-05-222-11263

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 at the time of the applicant's interview with a CIS officer, he stated that he first entered the United States in March of 1982. The applicant also submitted a sworn statement stating this fact, which is consistent with what he showed on his Form I-687. It is noted here that an applicant for temporary resident status must establish that he or she entered the United States before January 1, 1982, and then maintained 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 Immigration and Nationality Act (Act), 8 U.S.C. § 1255a(a)(2). The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. Though the director noted that her office did receive an additional affidavit from [redacted], submitted by the applicant in support of his application, she found that it was not amenable to verification as the applicant failed to submit identity documents for the affiant, his contact information or evidence that the affiant was in the United States during the requisite period. It is noted here that the affidavit from [redacted] does indicate that the applicant entered the United States in 1982, but it does not indicate which day or month he entered. Therefore it does not establish that the applicant entered the Untied States on a date before January 1, 1982. As the director found the affidavit from [redacted] lacking, she found that the applicant had not overcome her reasons for denial as stated in her NOID and denied his application.

On appeal, the applicant submits a letter in which he refers to the previously submitted affidavit from [redacted] who indicated in that affidavit that the applicant entered the United States in 1982. The applicant goes on to say that he does not have evidence of his entry into the United States in 1982. The applicant asserts that he would like to be a citizen of the United States. 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.