



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: LOS ANGELES Date: DEC 02 2009
MSC 05 169 13496

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

A handwritten signature in black ink, appearing to read "Perry Rhew".

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The termination of temporary resident status by the Director, Los Angeles, California, is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The director terminated the applicant's status because the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988. The director noted that the applicant had a prolonged absence in 1987 of over 45 days. The director determined, therefore, that the applicant could not establish the requisite continuous residence. The director also noted that a birth certificate for the applicant's child, which bears the applicant's signature, indicates that the applicant had been absent from the United States on January 25, 1988.

It is noted that the applicant stated on the Notice of Appeal to the Administrative Appeals Office (AAO), Form I-694, filed May 27, 2008, that an appeal brief and additional evidence will be submitted within 30 days. However, the record does not reflect receipt of a brief or additional evidence. Therefore, the record must be considered complete.

On appeal, counsel asserts that the applicant's absence in 1987 did not exceed 35 days. Counsel also states that the signature on the birth registration is not the applicant's signature. Counsel states that he will submit a brief and additional evidence in support of his appeal. However, as discussed above, the record does not reflect receipt of a brief or additional evidence.

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 the decision. On appeal, counsel has not presented additional evidence. Nor has he addressed the grounds stated in the termination notice. The appeal must therefore be summarily dismissed.

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