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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:

[REDACTED]

Office: NEW YORK

Date:

NOV 24 2010

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:

[REDACTED]

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.


Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the Director, New York. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant filed an Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Form I-687) pursuant to the terms of the Northwest Immigrant Rights Project Settlement agreements (NWIRP) on August 6, 2009. On January 22, 2010, the director denied the application because he found that the applicant failed to submit sufficient credible evidence of his continuous residence throughout the relevant period. Specifically, the director noted that the applicant submitted a Form I-485 LIFE Act application on September 27, 2001. The application was denied and during the appeals process it was discovered that the applicant submitted envelopes containing postage stamps that were not issued until after the dates of their respective postmarks. The applicant was found to have materially misrepresented documents in an attempt to establish his residency in the United States during the relevant period. Noting this misrepresentation and the paucity of credible evidence in the record which would establish the applicant's eligibility for the benefit sought, the director denied the application on January 22, 2010.

On appeal, the applicant indicates that he is eligible for the benefit sought and that he has submitted all evidence in his possession. He fails to submit any additional evidence or explanation which would establish his entry to the United States in an unlawful status prior to January 1, 1982 or his continuous residence in the United States for the duration of the requisite period, or which addresses the fraudulent evidence noted above.

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.