



U.S. Citizenship
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Services

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FILE: MSC-05-186-12370

Office: NEW YORK

Date: NOV 15 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:



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 applicant had failed to submit additional documentation in response to the Notice of Intent to Deny (NOID) to prove his unlawful presence in the United States from January 1, 1982 until May 4, 1988. In the NOID, the director stated that the applicant failed to submit credible documents that would establish his continuous unlawful residence in the United States during the requisite period.

On appeal, the applicant stated that he is innocent, helpless and undocumented. He stated that he timely replied to the NOID with additional evidence. It is noted that the record indicates the applicant replied to the NOID with copies of documents he had previously submitted. The applicant stated that he entered the United States before January 1, 1982 and had been continuously physically present in the United States except for a short absence. He stated that he provided details regarding his entry into the United States and presence during his interview with an immigration officer. The applicant also stated that the director should have exercised his judicious mind in denying the application, the director should have taken the applicant's statements into sympathetic consideration, and that the director denied the application without considering the applicant's helpless situation and other supporting documents. 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.