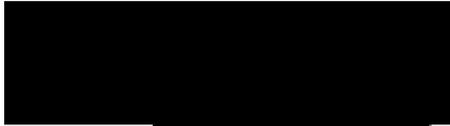




U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-05-083-22108

Office: NEW YORK

Date: NOV 15 2007

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 noted in her Notice of Intent to Deny (NOID) that when the applicant was interviewed by a Citizenship and Immigration Services (CIS) officer on January 24, 2006, he stated that he first entered the United States in 1988. Therefore, the director found the applicant had not met his burden of proving by a preponderance of the evidence that he resided in the United States for the duration of the requisite period as applicants for adjustment of status to that of a Temporary Resident are required to do pursuant to 8 C.F.R. § 254a.2(d)(5). The director granted the applicant thirty (30) day within which to submit additional evidence in support of his application. The director stated that though her office received evidence in response to her NOID, this evidence was not sufficient to overcome her reasons for denial.

On appeal, the applicant states that he now has additional evidence that will establish that he arrived in the United States prior to 1981. He states that he also has an attorney. It is noted that the AAO has reviewed the record and has not found that the applicant has submitted a Form G-28 or any other evidence that indicates that he is represented by an attorney of record. The applicant goes on to indicate that he will submit a brief within thirty (30) days. It is noted here that the Service received the applicant's Form I-694 on June 5, 2006. As of November 13, 2007, the Service has not received additional evidence or a brief from this applicant. Therefore, 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.