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



U.S. Citizenship
and Immigration
Services

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FILE:



MSC-05-158-10597

Office: TAMPA, FL

Date:

NOV 26 2007

IN RE:

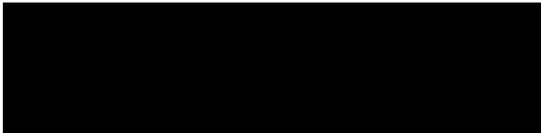
Applicant:



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, Tampa, Florida 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 applicant stated in her interview with a Citizenship and Immigration Services (CIS) officer that she was never turned away when she attempted to file for legalization during the original filing period. The director went on to note that though the applicant submitted letters from previous employers for whom the applicant worked during the requisite period, dates of employment shown on those letters were not consistent with those for the same employers on the applicant's Form I-687. Further, the director noted that though the applicant claimed to have lived with her employers in their homes during the requisite period, none of the affidavits from the employers confirmed that she had resided with them, casting doubt on the applicant's claimed addresses of residence during the requisite period. It is noted here that at the time of the applicant's interview she could not recall her addresses of residence, further casting doubt on the applicant's addresses of residence during the requisite period. The director went on to say she did not find the affidavits submitted by the applicant to be credible or amenable to verification and she found that the affiants did not demonstrate that they had direct personal knowledge of the events and circumstances of the applicant's residency. Therefore, the director found that the applicant failed to submit evidence that proved by a preponderance of the evidence that she resided continuously in the United States for the duration of the requisite period as the regulation at 8 C.F.R. § 245a.2(d)(5) requires applicants for adjustment of Status to Temporary Residents to do.

In this case, the director adjudicated the Form I-687 application on the merits. As a result, the director is found not to have denied the application for failure to establish class membership.

On appeal, the applicant's attorney submits a notice of appeal which states that the CIS officer confused the applicant at the time of her interview and therefore she indicated that she was never turned away when she attempted to apply for legalization during the original application period, saying that her response corresponded with dates after May 4, 1988. It is noted that the director did not deny the applicant's Form I-687 because she determined the applicant was not a class member, but rather because she did not meet her burden of establishing that she resided continuously in the United States for the duration of the requisite period. The applicant's attorney goes on to say that many people were discouraged from applying during the original legalization period. The applicant's attorney then asserts that the applicant is eligible to adjust to Temporary Resident Status but that it is impossible to remember things that officers ask applicants during interviews and that the Service is requiring evidence that nobody could have. The applicant's attorney does not explain why there are inconsistencies in the record regarding the applicant's dates of employment nor does he explain why her previous employers did not indicate that the applicant lived with them while they employed her. With the notice of appeal the applicant provided no additional evidence or explanation to overcome the reasons for denial of her 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 she 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*.