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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
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U.S. Citizenship
and Immigration
Services

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FILE: MSC-05-347-12150

Office: ATLANTA, GA

Date: OCT 25 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:

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for Temporary Resident Status was denied by the Director, Atlanta, Georgia 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 stated in her Notice of Intent to Deny (NOID) that though the applicant claimed to have first entered the United States in 1981, she did not provide evidence apart from her own testimony that proved that she did so. It is noted here that applicants for Temporary Resident Status bear the burden of proving by a preponderance of the evidence that they resided continuously in the United States for the duration of the requisite period pursuant to 8 C.F.R. § 245a.2(d)(5) and that to meet this burden applicants must provide evidence of eligibility to adjust status apart from their own testimony pursuant to the regulation at 8 C.F.R. § 245a.2(d)(6). This applicant was granted thirty (30) days within which to submit additional evidence in support of her application. The director noted that her office received evidence from this applicant in response to the NOID. However, the director stated that the additional evidence, a letter from [REDACTED] that states that the applicant stayed with her for "an extended period" beginning in 1981 and a letter from [REDACTED] of the Seventh Day Adventist Church, that states that the applicant has been a member of his congregation since 1987 were not sufficient evidence to meet the applicant's burden of proof that she resided continuously in the United States for the duration of the requisite period.

On appeal, the applicant submits a Form I-694 Notice of Appeal of Decision on which she states that she waives the right to submit a written brief or statement. She leaves the part of the form that indicates she should summarize the reason for her appeal blank. The applicant provided no additional evidence or explanation to overcome the reasons for denial of her application with her Form I-694.

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.