



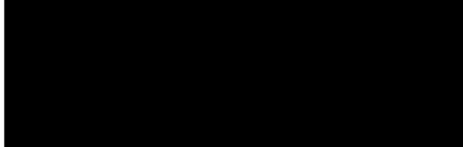
U.S. Citizenship
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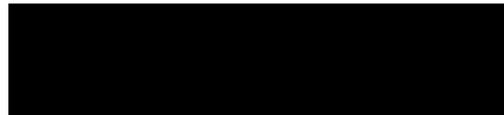


FILE: MSC-05-159-12303

Office: NEW YORK

Date:

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.

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, in her Notice of Intent to Deny (NOID), the director stated that at the time of her interview with a Citizenship and Immigration Services (CIS) officer on December 12, 2005, the applicant testified and then submitted a sworn statement asserting that she had two (2) absences from the United States during the requisite period. The first of these absences began in February of 1985 and ended in May of 1985, a period of approximately four (4) months. The second absence began in June of 1986 and ended in October of 1987, a period of more than one (1) year. It is noted here that the regulation at 8 C.F.R. § 245a.2(h)(1)(i) specifies that to have maintained continuous residence during the requisite period no single absence from the United States can have exceeded forty-five (45) days and the aggregate of all absences cannot have exceeded on hundred eighty (180) days. Because the applicant testified that she had two (2) absences that exceeded forty-five (45) days during the requisite period, the director found that she had not proven by a preponderance of the evidence that she maintained continuous residence for the duration of the requisite period or continuous physical presence from November 6, 1986 until May 4, 1988. It is noted that the record contains a sworn statement from the applicant in which she does not indicate that either absence was delayed because of an emergent situation that came suddenly into being. The director granted the applicant thirty (30) days within which to submit additional evidence in support of her application. In denying the application, the director noted that her office did receive additional evidence from the applicant in support of her application, but stated that it was insufficient to overcome the grounds for denial.

On appeal, the applicant submits a Form I-694 Notice of Appeal of Decision on which she states that she has resided in the United States since 1981. She goes on to say that she has previously submitted all documents in support of her application. She asks the Service to reconsider its decision regarding her application. 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.