



U.S. Citizenship
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Services

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[Redacted]

FILE: [Redacted] MSC-05-250-14564

Office: MIAMI, FL

Date: OCT 31 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:

[Redacted]

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, Miami, 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 director noted in her Notice of Intent to Deny (NOID) that the applicant submitted affidavits in support of his claim of having resided continuously in the United States during the requisite period that were not credible or amenable to verification. Therefore, the director found the applicant failed to prove by a preponderance of the evidence that he continuously resided in the United States for the duration of the requisite period. The director granted the applicant thirty (30) days within which to submit evidence in support of his application. Because the applicant failed to submit evidence for consideration in response to the NOID, he did not overcome the director's reasons for denial.

On appeal, the applicant states that the only evidence he has in support of his application would be a receipt for dental services he received in 1985 and a document from his landlord to certify that he made rental payments in 1985 and 1986. However, the applicant states that he cannot obtain his records from this dentist, as he is now deceased. It is not clear why the applicant has not submitted the document from his landlord. 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.