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U.S. Citizenship
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[REDACTED]

FILE: [REDACTED]
MSC-05-089-10084

Office: HOUSTON Date: SEP 06 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, Houston 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 applicant had not submitted sufficient evidence to prove eligibility for temporary resident status by a preponderance of the evidence. Specifically, the applicant had not submitted sufficient evidence to overcome the grounds for denial expressed in the Notice of Intent to Deny (NOID).

On appeal, the applicant's attorney stated that the director's decision was "incorrect, capricious and arbitrary." The attorney also stated that he would file a brief with supporting documents within 30 days from the notice of appeal. More than two years have passed since the appeal was filed, and no brief or additional evidence has been submitted. In addition, a fax was transmitted on July 17, 2006, to the applicant's attorney to inform him that no brief had been received. No additional evidence has been received since that date. As a result, the record will be considered complete. 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.