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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE:



MSC-05-133-11240

Office: Los Angeles

Date:

FEB 17 2009

IN RE:

Applicant:



APPLICATION:

Application for Temporary Resident Status under 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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained, or if your case was remanded for further action, you will be contacted.

A handwritten signature in black ink, appearing to be "John F. Grissom".

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The application for adjustment from temporary to permanent resident status was denied by the Director, Los Angeles, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director terminated the applicant's temporary residence because he found that evidence submitted in support of the application was contradictory with other evidence of record, and that the applicant was ineligible for temporary residence under section 245A of the Immigration and Nationality Act (the Act). Specifically, the director issued a Notice of Intent to Terminate (NOIT) on July 29, 2008 describing the contradictory evidence of record, and gave the applicant 30 days to respond. The director notified the applicant that two separate legalization applications contained significantly different employment and residential histories, that there was no evidence of record explaining how the applicant fathered two children born in Peru in 1984 and 1987, in light of the applicant's testimony that their mother had first entered the United States in 1994, and he did not travel out of the United States until 1988. The director notified the applicant that the alias name he used to prove employment during the requisite period appeared to be the name of the person who prepared the application. In rebuttal, the applicant provided no explanation for the inconsistencies noted by the director. The director found that the applicant was ineligible for temporary residence, and terminated the applicant's status under 8 C.F.R. § 245a.2(u)(1)(i).

On appeal, the applicant states that he satisfied the burden of proving continuous residence throughout the requisite period by a preponderance of the evidence. He contends that United States Citizenship & Immigration Services (USCIS) erred in terminating his temporary residence. The applicant provides no additional documentation or explanation to resolve the inconsistencies noted by the director. The applicant fails to specifically address the director's analysis of his evidence and does not furnish any additional relevant evidence.

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 that the director accurately set forth a legitimate basis for termination of the applicant's temporary residence. 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.