

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship and Immigration Services

PUBLIC COPY

LL

[Redacted]

FILE:

MSC-05-026-20899

Office: LOS ANGELES

Date: SEP 03 2009

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:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have 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.

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The termination of the applicant's temporary resident status by the Director, Los Angeles is before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The applicant was granted temporary resident status on May 17, 2005 under section 245A of the Immigration and Nationality Act (Act), as amended, 8 U.S.C. § 1255a. However, pursuant to 8 C.F.R. 245a.2(b)(1) states in pertinent part, "the temporary resident status may be terminated upon the occurrence of any of the following: (i) it is determined that the alien was ineligible for temporary residence under section 245A of this Act."

On February 26, 2009, the director issued a Notice of Intent to Terminate (NOIT) the applicant's temporary resident status. The NOIT indicated that the information regarding residence and employment provided by the applicant was incomplete and inconsistent. Furthermore, the director noted that United States Citizenship and Immigration Services (USCIS) found the applicant to have another alien file, under the name [REDACTED]. In this file, [REDACTED] the applicant indicated multiple inconsistencies which are material to her eligibility for temporary resident status. The director noted many differing accounts of how the applicant entered the United States, the dates and duration of her departures from the United States during the relevant period.

Most notably, Service records indicate that the applicant entered the United States on November 14, 1986 in New York City using a B-2 visa issued in Ecuador on August 28, 1986, and departed from the United States on November 30, 1986 via Los Angeles. The director noted that the applicant's absence from August 28, 1986 until November 14, 1986 was a break in any continuous residence that she may have established. Noting these material inconsistencies and the doubt cast on the remaining evidence in the record of proceedings, the director terminated the applicant's temporary residence on March 27, 2009.

On appeal, the applicant asserts that it is very hard to remember the time period at a specific address. She asserts that she is eligible for temporary residence, however, she does not submit any additional information or evidence in support of her eligibility.

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 termination of the applicant's status as a temporary resident. On appeal, the applicant has not presented additional evidence. Nor has she addressed the grounds stated for termination. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.