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

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

PUBLIC COPY

L1

FILE: [redacted] Office: LOS ANGELES Date: JAN 29 2010

MSC 05 011 10401
MSC 08 262 12398 – APPEAL

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. 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 remanded for further action, you will be contacted.

Perry J. Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for temporary resident status under Section 245A of the Immigration and Nationality Act (Act) was terminated by the Director, Los Angeles, California. The decision to terminate is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant, a native of Mexico who claims to have lived in the United States since before January 1, 1982, submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman (LULAC) Class Membership Worksheet on October 11, 2004. The director approved the application on October 27, 2005.

Subsequently, the director terminated the applicant's temporary resident status, finding that the approval was based on erroneous or insufficient information. The director determined that the applicant had not established by a preponderance of the evidence that he entered the United States prior to January 1, 1982 and resided in a continuous unlawful status during the requisite period as required in 8 CFR 425a.2(b)(1) and was, therefore, not eligible to adjust to temporary resident status. The director enumerated the conflicting and contradictory statements and information submitted by the applicant in support of his application, which undermined the veracity of his claim.

On appeal, the applicant states generally, that he had tried his best to present honest information to the best of his ability and that there was no intent on his part to deceive the United States government. The applicant does not allege any legal or factual error in the director's decision, and does not address the evidentiary deficiencies and inconsistencies cited in the Notice of Intent to Terminate (NOIT) and the Notice of Termination (NOT). The applicant has not submitted new evidence bearing on the grounds for termination discussed in the NOT. As of the date of this decision, no additional evidence has been submitted, and the record will be deemed complete.

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 resident status. On appeal, the applicant has not addressed the grounds stated for termination, and has not cited any error(s) in the decision nor has he presented additional evidence relevant to the grounds for termination or the stated reason for appeal. The appeal must therefore be summarily dismissed.

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