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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

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[Redacted]

FILE: [Redacted] SRC-03-239-52350

Office: LOS ANGELES

Date: MAR 16 2010

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. 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.

Elizabeth McCormack

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Los Angeles Director terminated the applicant's temporary resident status. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant must establish entry into the United States before January 1, 1982, and continuous residence in the United States since such date through the date the application is considered filed pursuant to the CSS/Newman Settlement Agreements. Section 245A(a)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1255a(a)(2).

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act). The Form I-687 was approved. Subsequently the applicant filed a Form I-698, Application to Adjust from Temporary to Permanent Residence. The director determined that the applicant had not established by a preponderance of the evidence that she had continuously resided in the United States in an unlawful status since prior to January 1, 1982, and for the duration of the requisite period and issued a Notice of Intent to Terminate (NOIT). In the decision the director noted that in response to the NOIT, the applicant had failed to provide sufficient evidence to establish her residence in the United States throughout the requisite period. The director further noted the many discrepancies and inconsistencies found in the record with respect to the applicant's absences from the United States. And, the director noted that the employment letters submitted on behalf of the applicant were not verifiable. The director terminated the applicant's temporary resident status, finding that the applicant had not met her burden of proof and that she was therefore not eligible to adjust to temporary resident status pursuant to Section 245A of the Act.

On appeal, counsel indicated on the Form I-694, Notice of Appeal of Decision under Section 210 or 245A of the Immigration and Nationality Act, that she would be submitting a brief within 30 days of receipt of materials processed under the Freedom of Information Act (FOIA). The record indicates that the applicant's FOIA request was processed as of August 24, 2009 (NRC2008069635). To date, there has been no brief or further evidence filed in support of the applicant's appeal.

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 director's decision reveals that the director accurately set forth a legitimate basis for terminating the applicant's status. On appeal, the applicant fails to address the many discrepancies and inconsistencies found in the record, nor has she presented additional evidence, relevant to the grounds for denial 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.