

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**

L1

[REDACTED]

FILE:

[REDACTED]

Office: LOS ANGELES

Date: **SEP 27 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.

Perry Rhew  
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 summarily dismissed.

The applicant was granted temporary resident status on November 6, 2006 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 November 6, 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 absences provided by the applicant was incomplete and inconsistent. Specifically, the director noted that the applicant's passport indicated that she entered and departed the United States multiple times during the relevant period and that she failed to note these departures on her Form I-687. The director also noted several inconsistencies with the affiants' testimony. Noting the paucity of credible evidence in the record which would establish the applicant's eligibility for the benefit sought, the director terminated the applicant's temporary resident status on February 4, 2010.

On appeal, the applicant indicates that United States Citizenship and Immigration Services (USCIS) erroneously terminated her temporary resident status based upon the same evidence (affidavits) that she previously submitted. She notes that the director approved her Form I-687 application and that it is unfair to now terminate her status based upon the same evidence. She fails to submit any additional evidence or explanation which would establish her entry to the United States in an unlawful status prior to January 1, 1986 or her continuous residence in the United States for the duration of the requisite period. She also fails to address the multiple material inconsistencies in her testimony, including her passport entries and the discrepancies between her testimony and the affiant's testimony that were noted by the director in the Notice of Intent to Terminate (NOIT) dated November 6, 2009 or the Notice of Termination dated February 4, 2010.

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 she 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.