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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W. MS 2090
Washington, DC 20529-2090



**U.S. Citizenship
and Immigration
Services**

[REDACTED]

L1

Date: AUG 16 2012

Office: HOUSTON

FILE: [REDACTED]

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 director of the Houston office terminated the temporary resident status of the applicant, pursuant to the terms of the CSS/Newman Settlement Agreements, finding the applicant to be ineligible for temporary resident status based on both a lack of documentation and inconsistent documentation in the record of proceedings. The appeal is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

On appeal, counsel states that the evidence which the applicant previously submitted establishes by a preponderance of the evidence that he continuously resided in the United States in an unlawful status for the duration of the requisite period. Counsel states that he will be submitting a brief within 30 days of the appeal. Counsel has not submitted a brief. The applicant has not submitted any additional evidence on appeal.

The AAO agrees with the director that the applicant has not provided a reasonable explanation for material inconsistencies in his testimony. More specifically, at his interview on January 17, 2012, the applicant stated that he did not know [REDACTED] or [REDACTED] witnesses who submitted affidavits testifying to the applicant's continuous residence in Houston, Texas from 1981 through the end of the requisite period. In addition, at the time of the interview the applicant stated that he has only known [REDACTED] for five years prior to his interview, although in a 1987 employment verification letter [REDACTED] states his knowledge of the applicant's residence address at that time, as well as the applicant's employment with Merida Incorporated in Houston from 1981 through 1985.¹

On January 20, 2012, the director issued a notice of intent to terminate (NOIT) the applicant's temporary resident status and provided the applicant with an opportunity to provide an explanation for these inconsistencies. The applicant did not respond to the director's NOIT.

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 temporary resident status. On appeal, counsel for the applicant has not addressed the grounds stated for termination, 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.

¹The AAO also notes that the record contains an additional material inconsistency in the applicant's testimony. The record contains a Form G-325A, biographic information sheet, signed by the applicant on December 30, 2002, which states that the applicant married in Mexico on June 24, 1983. However, the applicant failed to list any absence from the United States in June 1983 in the instant I-687 application, and in the initial I-687 application signed by him on October 20, 1990, and filed to establish his CSS class membership.