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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: **FEB 01 2012** Office: TEXAS SERVICE CENTER 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 Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), was denied by the director of the Texas Service Center. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the instant I-687 application filed in 2001, referring to the reasons set forth in the denial of a subsequent, almost identical, I-687 application filed in 2005.¹ The director found that the evidence submitted with the instant I-687 application did not overcome the deficiencies of the I-687 application filed in 2005.

On appeal, the applicant asserts that the director's decision was in error. The applicant has not submitted any additional evidence on appeal.²

As stated previously, to meet his or her burden of proof, an applicant must provide evidence of eligibility apart from the applicant's own testimony, and the sufficiency of all the evidence produced by the applicant will be judged according to its probative value and credibility. 8 C.F.R. § 245a.2(d)(6). Here, the applicant has failed to provide probative and credible evidence of his continuous residence in the United States for the duration of the requisite period.

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. Given the paucity of credible evidence contained in the record and the applicant's failure to respond to the NOID, the appeal will be summarily dismissed.

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

¹The I-687 application filed in 2005 was denied by the director of the New York office, finding that the applicant had not established by a preponderance of the evidence that he had continuously resided in the United States in an unlawful status for the duration of the requisite period, for the reasons set forth in a notice of intent to deny (NOID) the application. The NOID set forth inconsistencies in the applicant's testimony regarding the date and manner of his first entry into the United States. More particularly, the NOID referred to an interview on September 12, 2007, at which the applicant testified that he first entered the United States on August 1, 1983, before changing his answer to August 1, 1981 in response to questioning by his attorney. The AAO dismissed the applicant's appeal.

² The documents that the applicant submits on appeal have previously been submitted into the record. The AAO notes that the copy of [REDACTED] statement submitted on appeal, dated September 5, 2007, states that the applicant was front-desked, "during the winter of 1987"; the statement of this witness previously submitted into the record, dated September 12, 2007, states that the applicant was front-desked on April 11, 1988. However, since the Vermont Service Center determined that the applicant was *prima facie* eligible for CSS class membership, these inconsistencies are not relevant to the instant appeal.