

11-2011-01-01
PROVISIONAL PERMITS
INVASION OF STATUS

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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: **JUN 05 2012** Office: NEW YORK, NY

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: 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 Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for temporary resident status under section 245A of the Immigration and Nationality Act (Form I-687), was denied by the District Director (director), New York, New York. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant, a native of [REDACTED] who claims to have lived in the United States since October 1981, 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, Northwest Immigrant Rights project (NWIRP) Class Membership Worksheet on January 28, 2010. On December 15, 2011, the director denied the application.¹ The applicant timely filed an appeal.

On appeal, the applicant asserts that:

- He has been living in the United States for “a fairly long period of time” and has submitted affidavits in support of his residency during the statutory period.
- “I would appreciate if you kindly reconsider your ‘Notice of Decision’ at this times on humanitarian ground.”
- He has met the necessary residency or continuous physical presence requirements under the prevailing law.
- He entered the United States before January 1, 1982 and resided continuously in an unlawful status until he was turned down by the legacy Immigration and Nationalization Service (INS), and that he has not been arrested or convicted of any crime.
- He is eligible to adjust status under section 245A of the Act.

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 Deny (NOID) and the Notice of Decision (NOD). The applicant has submitted no new evidence

¹ In denying the application, the director specifically noted that the applicant provided inconsistent statements regarding the manner of his entry into the United States and that the applicant failed to submit credible evidence to establish that he was admitted into the United States as a nonimmigrant visitor in October 1981. As a result of the lack of credible evidence, the director concluded that the applicant did not enter the United States with a nonimmigrant visa prior to January 1, 1982, and that he is ineligible for temporary resident under the NWIRP agreement. The director also found that the applicant failed to establish 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, and denied the application on this ground as well.

bearing on the grounds for denial discussed in the decision. As of the date of this decision, no additional evidence has been submitted, and the record will be deemed complete. The applicant's statements made on appeal have been considered. Nonetheless, there is no waiver available, even for humanitarian reasons, of the requirements stated above.

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 denial of the application. On appeal, the applicant has not addressed the grounds stated for denial, and has not cited any error(s) in the decision nor has he 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.