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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC-05-316-12558

Office: NEWARK

Date: DEC 11 2007

IN RE: Applicant: [REDACTED]

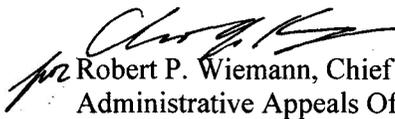
APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, 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.


Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status was denied by the Director, Newark District Office. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because she found the applicant failed to submit additional evidence in response to the Notice of Intent to Deny (NOID) within the time allotted. The NOID issued on December 21, 2005 indicated the applicant failed to prove that she entered the United States before January 1, 1982 and that she continuously and unlawfully resided since before January 1, 1982 until she attempted to apply for temporary resident status in 1987 or 1988. Specifically, the director explained that the record included an I-589 Application for Asylum filed by the applicant, in which she stated that she resided in Nigeria from 1972 to January 1991. The NOID stated that 30 days were provided to the applicant from the date the NOID was issued, to submit additional evidence.

On appeal, counsel for the applicant stated that additional evidence and clarifications were sent to the director by the applicant. Counsel provided documentation indicating this additional evidence was accepted at the Newark District Office on February 21, 2006, two months after the NOID was issued. It is noted that, since this evidence was submitted beyond the 30 day deadline provided by the director, the director did not err in failing to consider it. The applicant was put on notice that additional evidence was required and was given a reasonable opportunity to provide it for the record before the decision was issued. The applicant failed to timely submit the additional evidence and now resubmits it on appeal. However, the AAO will not consider this evidence for any purpose. *See Matter of Soriano*, 19 I&N Dec. 764, 766 (BIA 1988); *Matter of Obaigbena*, 19 I&N Dec. 533, 537 (BIA 1988). The applicant provided no additional evidence or explanation to overcome the reasons for denial of her application. Specifically, the applicant failed to explain the inconsistencies between the residence information provided on her asylum application and her application for temporary resident status.

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.