



U.S. Citizenship
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Services

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FILE: [Redacted]
MSC-02-057-64505

Office: WEST PALM BEACH Date: OCT 20 2008

IN RE: Applicant: [Redacted]

APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter 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, Director
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, West Palm Beach Office and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

An applicant for permanent resident status must establish that she entered the United States before January 1, 1982 and then maintained continuous residence in the United States in an unlawful status since such date and through May 4, 1988. 8 C.F.R. § 245a.11(b). The regulation at 8 C.F.R. § 245a.11(c) further provides that an applicant for adjustment to permanent resident status must establish that she was continuously physically present in the United States during the period beginning on November 6, 1986 and ending on May 4, 1988. In her Notice of Intent to Deny (NOID), the acting director stated that because the evidence submitted by the applicant regarding her employment during the requisite period was significantly inconsistent with her previously submitted Form I-687, the applicant failed to meet her burden of proving that she resided continuously and maintained continuous physical presence in the United States for the requisite period. The director granted the applicant 30 days within which to submit additional evidence in support of her application. Because the applicant failed to submit additional evidence in rebuttal to the NOID, the applicant did not overcome the reasons for the denial of her application.

On appeal, the applicant states that she did not respond to the NOID because she never received it. However, the record indicates that the NOID was sent to the applicant at her correct address of record.

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. Though the applicant states that she never received the director's NOID, it was sent to her address of record. The record does not show that the NOID was returned. The applicant has failed to address the reasons stated for denial and has not provided any additional evidence on appeal. The appeal must therefore be summarily dismissed.

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