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U.S. Citizenship
and Immigration
Services

[Redacted]

FILE:

[Redacted]

Office: Houston

Date: DEC 30 2004

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:

[Redacted]

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 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

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prevent clearly unwarranted
invasion of personal privacy**

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

The director concluded that the applicant failed to prove that he was physically present in the United States before January 1, 1982 and that he resided continuously in this country in an unlawful status from before January 1, 1982 through May 4, 1988. The director also found that the applicant was ineligible to adjust status under section 245A of the Immigration and Nationality Act because he had been convicted of four misdemeanors while inside the United States.

On appeal, counsel states: "Applicant was never convicted, as argued by the Government, in the Southern District in 1989. . . Furthermore, applicant will request a waiver." Counsel indicates that he is requesting an additional 30 days in which to submit a brief and/or evidence to the AAO. However, as of this date, no further documentation or statement has been submitted into the record of proceedings. Therefore, the record shall be considered complete.

In this case, counsel addresses one of the applicant's misdemeanor convictions cited by the director and states that the conviction did not occur. The assertions of counsel do not constitute evidence. *Matter of Obaighena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980).

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. The applicant has failed to meaningfully address the reasons stated for denial and has not provided any additional evidence on appeal. The appeal shall therefore be summarily dismissed.

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