

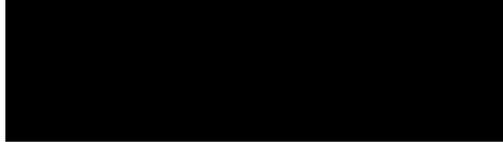
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U.S. Citizenship
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FILE: [REDACTED]
MSC 02 233 60497

Office: LOS ANGELES

Date: DEC 11 2007

IN RE: Applicant: [REDACTED]

PETITION: 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 PETITIONER: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
Administrative Appeals Office

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

An applicant for permanent resident status under section 1104 of the LIFE Act has the burden to establish by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States and is otherwise eligible for adjustment of status under this section. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. 8 C.F.R. § 245a.12(e).

The applicant submitted insufficient evidence to credibly document her continuous residence in an unlawful status and her continuous presence in the United States during the relevant period. Specifically, the district director found that the evidence submitted in support of the application was insufficient to establish that she had entered the United States prior to January 1, 1982 and continuously resided in the United States in an unlawful status through May 4, 1988. Consequently, the district director issued a Notice of Intent to Deny (NOID) the application on December 15, 2004, and afforded the applicant 30 days in which to submit credible evidence to show that she had continuously resided in the United States during the relevant period. The director found that the applicant's response failed to overcome the basis for his denial, and consequently the application was denied on January 28, 2005.¹

On February 28, 2005, the applicant submitted Form I-290B, Notice of Appeal to the Administrative Appeals Unit (AAU), on which she states, "I really entered the United States on 1978. Due to the changes of addresses I losted valuable documentation to present it. Please let me get 30 more days to find for more documents."

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's general statement on the Notice of Appeal, without specifically identifying any errors on the part of the director, is simply insufficient to overcome the well-founded and logical conclusions the director reached based on the evidence submitted by the applicant.

On the Notice of Appeal received on February 28, 2005, the applicant clearly indicates that she would send additional evidence to the AAO within thirty days. According to 8 C.F.R. § 103.3(a)(2)(i), an applicant "shall file the complete appeal including any supporting brief with the office where the unfavorable decision was made within 30 days after service of the decision," which in the case at hand would be no later than February 28, 2005 (affording an extra 3 days because the decision was mailed). While the applicant may request that she be granted additional time to submit an appeal, no such request was made in this case. See 8 C.F.R. § 103.3(a)(2)(vii). Even if additional time to submit a brief or additional evidence in support of the appeal had been requested and approved, to date there is no indication or evidence that the applicant ever submitted a brief and/or evidence in support of the appeal with the Service or with the AAO.² As stated above, absent a

¹ Upon review of the record of proceeding, it is noted that this application was initially denied on January 30, 2003, but subsequently reopened on service motion on September 11, 2003.

² It is further noted that on June 24, 2007, the applicant submitted a second Form I-290B, claiming to be an appeal from a decision issued on an unknown date. This appeal was rejected by the AAO, and does not appear to represent additional evidence or documentation in support of the initial Form I-290B filed on February 28, 2005.

clear statement, brief and/or evidence to the contrary, the applicant does not identify, specifically, an erroneous conclusion of law or statement of fact. Hence, the appeal must be summarily dismissed. *See* 8 C.F.R. § 103.3(a)(1)(v).

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.