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U.S. Citizenship
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Services

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FILE:

MSC 01 303 60174

Office: CHARLOTTE

Date:

NOV 01 2007

IN RE:

Applicant:

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:

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. 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, 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, Atlanta, Georgia, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The director denied the application because the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988. Section 1104(c)(2)(B) of the LIFE Act; 8 C.F.R. § 245a.11(b).

Counsel for the applicant timely filed a Form I-290B, Notice of Appeal to the Administrative Appeals Unit, in which she asserted that the personal affidavits submitted by the applicant are sufficient proof of the applicant's residency in the United States during the requisite period. Counsel indicated on the Form I-290B that that she had submitted Freedom of Information Act (FOIA) requests with two district offices, and that she needed at least an additional 90 days in which to receive the requests and submit a brief and/or additional evidence. By letter dated September 13, 2007, the AAO requested counsel to notify this office if she had received the requested records, and if not, to provide copies of any correspondence received from Citizenship and Immigration Services relative to the FOIA requests. Counsel was also advised that she "should respond to this inquiry within the next ten business days. If we do not receive a response within ten days, we will assume that you have received a copy of your record."

As of the date of this decision, however, no further documentation has been received by the AAO. Therefore, the record will be considered complete as presently constituted.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Counsel has failed to identify specifically any erroneous conclusion of law or a statement of fact in this proceeding; therefore, the appeal must be summarily dismissed.

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