



U.S. Citizenship
and Immigration
Services

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FILE:



Office: NEW YORK

Date: NOV 09 2007

MSC 01 310 61019

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:

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. 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 permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, New York, 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).

In his scheduled interview on January 26, 2005, the applicant stated, under oath, that he first entered the United States in February 1981, and resided at [REDACTED] for three months. He then departed the United States for Senegal and did not return to the United States until March 12, 1986. On August 25, 2005, the district director issued a Notice of Intent to Deny (NOID) the application, noting that based on this statement, the applicant was ineligible for permanent residency under the Life Act, and afforded the applicant 30 days in which to submit credible evidence to show that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988. The applicant submitted a response dated September 6, 2005, in which he submitted two affidavits of acquaintance for consideration, in which both affiants merely claimed that they met the applicant in 1981. The director found that these documents were insufficient to satisfy the applicant's burden of proof, and subsequently denied the petition on September 20, 2005.

On appeal, the applicant submits Form I-290B on which he states, "I have evidence that proved that I was here from January 1, 1982 through May 4, 1988." In addition, the applicant submits a handwritten statement which states, "I, [REDACTED] entered the U.S. 2-81. Lived at [REDACTED] for 3 mos. I returned to Senegal March 1981, and returned to the U.S. 3-12-86." On Form I-290B, the applicant indicated that he needed an additional 90 days in which to submit evidence to the AAO. As of the date of this decision, no additional documentation has been received.

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 Form I-290B, 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.

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.

Furthermore, based on the applicant's statements under oath and again on appeal, which indicate that he was absent from the United States from 1981 to 1986, the applicant is ineligible under the Life Act because he failed to continually reside in the United States in an unlawful status during the requisite period. See 8 C.F.R. §245a.15(c)(1).

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