

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

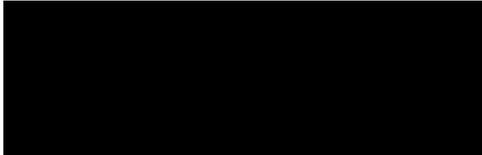
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

L2



FILE: [REDACTED] Office: LOS ANGELES Date: NOV 23 2007
Msc-02-247-63002

IN RE: Applicant: [REDACTED]

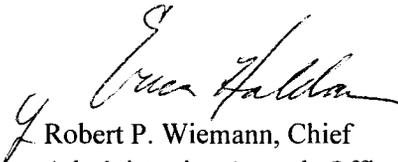
APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the
Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat.
2762 (2000), amended by LIFE Act Amendments, Pub. L. 106-554, 114 Stat.
2763 (2000).

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, Chief
Administrative Appeals Office

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

An applicant for permanent resident status must establish entry into the United States before January 1, 1982 and 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.12(e) state that applicants for adjustment of status to that of a Legal Permanent Resident under this section bear the burden of establishing that they have resided continuously in the United States for the duration of the requisite period by a preponderance of the evidence. The regulation at 8 C.F.R. § 245a.13(f) states in pertinent part that to meet this burden of proof, an applicant must provide evidence of eligibility apart from his or her own testimony.

The director concluded the applicant had not established that he had maintained continuous residence in the United States for the requisite period as the applicant did not submit any documentation in support of his claim of having maintained continuous residence in the United States with his Form I-485. The director did note five (5) documents submitted by the applicant as evidence of his residence in 1989 with his previously submitted Form I-687. The director found that evidence in the record contained inconsistencies regarding the applicant's address of residence during the requisite period. The director also noted that though documents in the record indicated that the applicant had used an alias, the applicant claimed that he had never done so at the time of his interview with a Citizenship and Immigration Services (CIS) officer. As there were material inconsistencies in the record that indicated that the applicant may not have accurately represented his employment and his addresses of residence during the requisite period, the director found that the applicant had not met his burden of establishing by a preponderance of the evidence that he resided in the United States for the duration of the requisite period. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. As the applicant failed to submit additional evidence in support of his application, he did not overcome the director's reasons for denial as stated in her NOID and she denied the application.

On appeal, the applicant submits a Form I-290B on which he states that the interpreter he had wanted to use during his interview was not available and therefore he was forced to use a minor to assist with interpretation. He believes this may have lead to misinterpretations during his interview. He also asserts that he was the victim of fraud when he completed his Form I-687. He does not submit any additional evidence for consideration with his Form I-290B.

Therefore, the applicant has continued to fail to submit any evidence in support of his claim to have resided in the United States for the duration of the requisite period other than that which he submitted in 1989 with his Form I-687, which he has asserted was submitted by someone who was perpetrating fraud against immigrants. If this evidence from the preparer of the Form I-687 is to be disregarded, then, regardless of the testimony he provided at the time of his interview, the applicant has not met his burden pursuant to the regulation at 8 C.F.R. § 245a.13(f). If this evidence is to be considered, it is not consistent and therefore the applicant has not met his burden pursuant to the regulation at 8 C.F.R. § 245a.12(e).

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 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.