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U.S. Citizenship  
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FILE:

MSC-02-002-64512

Office: NEW YORK

Date: NOV 23 2007

IN RE:

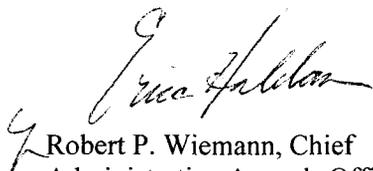
Applicant:

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. 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, New York District Office, and 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) states 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 director concluded the evidence submitted by the applicant did not allow him to prove that he resided in the United States for the duration of the requisite period. In saying this, the director noted in her Notice of Intent to Deny (NOID) that the affidavits submitted by the applicant conflicted with his testimony at the time of his interview with a Citizenship and Immigration Services (CIS) officer. The director specifically noted that affidavits from [REDACTED] and [REDACTED] attested to the applicant having been absent from the United States in 1987. However, at the time of his interview with the CIS officer, the applicant testified that he had not been absent from the United States in 1987. The director found these inconsistencies cast doubt on evidence submitted by the applicant and prevented this applicant from proving by a preponderance of the evidence that he was eligible to adjust status to that of a Temporary Resident. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. Though the applicant submitted a statement from his attorney asking that the Service honor the validity of previously submitted documents, he did not submit additional evidence in response to her NOID. Therefore, the director denied the application.

On appeal, the applicant's attorney argues that the applicant has passed both his test of English and of United States history and government. He asserts that the applicant did submit documents in response to the director's NOID and states that previously submitted documents are sufficient to overcome the director's decision. It is noted here, that the record indicates that though the applicant submitted a letter from his attorney in response to the director's NOID, no documents were submitted with that letter.

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.