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



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

[REDACTED]

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FILE: [REDACTED] MSC 01 285 60054

Office: NEW YORK Date:

NOV 29 2007

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. 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).

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, during her April 21, 2004 interview, the applicant stated under oath and in writing that she had returned to Africa in 1987 and did not return to the United States until 1991. On April 23, 2004, the district director issued a Notice of Intent to Deny (NOID) the application, and afforded the applicant 30 days in which to submit credible evidence to show that she had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988, and that she had maintained continuous physical presence in the United States from November 6, 1986 to May 4, 1988. The applicant submitted a letter dated May 21, 2004 in response to the NOID, in which she stated that due to the unavailability of an interpreter during her interview, she made erroneous statements and requested an opportunity to be heard in the presence of a Woloff interpreter. No additional evidence was provided. Consequently, the district director denied the application on June 8, 2005.

On appeal, the applicant submits Form I-290B on which she states, "I am filing this appeal to request a review of your above-mentioned decision in support of my claim of entitlement to membership to the 'LIFE Act Class.' Please see enclosed affidavit of witness."

In support of the appeal, the applicant submits an affidavit dated June 28, 2005 from [REDACTED] of Canaan Baptist Church of Christ in New York, claiming that the applicant has been continuously present in the United States since 1981.

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.

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