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U.S. Citizenship
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Services

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FILE:

MSC-02-243-68063

Office: NEW YORK

Date: OCT 12 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:

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.

A handwritten signature in black ink, appearing to be "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director of the New York District Office and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director stated in her Notice of Intent to Deny (NOID) that the applicant did not meet his burden of establishing, by a preponderance of the evidence that he had maintained continuous residence in the United States for the duration of the requisite period. It is noted here that 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 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.12(f) goes on to say that to meet their burden of proof, an applicant must provide evidence of eligibility apart from his or her own testimony. It is noted that here that the applicant's record indicates that he has failed to provide such evidence to the Service. The director granted the applicant thirty (30) days within which to submit additional evidence in support of his application. It is noted that the director sent her NOID to the applicant's address of record. She sent this NOID return receipt, certified mail. There is no evidence that her NOID was returned as undeliverable. As the applicant failed to provide the director with additional evidence in response to her NOID, the director found he had not overcome her reasons for denial and denied his application.

On appeal, the applicant states that he did not receive the director's NOID on time. He states that he has paid his taxes for the past sixteen (16) years and that he would like the Service to reconsider his application.

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.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence. Nor has he addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

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