



U.S. Citizenship  
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FILE:

MSC-02-215-63231

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:

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, 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 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.15(c)(1) further states that an applicant shall be regarded as having continuously resided in the United States if no single absence from the United States has exceeded forty-five (45) days, and the aggregate of all absences has not exceeded one hundred and eighty (180) days during the requisite period unless the applicant can establish that his or her return was untimely due to emergent reasons. 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 denied the application because she found the evidence submitted with the application in support of her claim of having maintained continuous residence in the United States for the duration of the requisite period was insufficient to establish by a preponderance of the evidence that she had done so. Specifically, the director noted in her Notice of Intent to Deny (NOID) that the applicant was not consistent when she represented either her absences or her addresses of residence during the requisite period on forms submitted to the Service, in affidavits submitted in support of her application and at the time of her interview with a CIS officer. The director further noted that the applicant submitted a school evaluation that the director found showed that the applicant was absent from the United States for a period of time that exceeded forty-five (45) days. The director went on to say that she did not find other evidence submitted by the applicant sufficient to prove, by a preponderance of the evidence, that she had maintained continuous residence 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 her application. Though the director noted that she did receive a response to her NOID, which the record indicates is a statement from the applicant's attorney, she noted that the applicant did not submit any new evidence that was sufficient to overcome her reasons for denial as stated in her NOID. Therefore, she denied the application.

On appeal, the applicant submits a Form I-290B on which her attorney states that the applicant is eligible for legalization. The applicant's attorney goes on to request that the AAO honor the validity of previously submitted documents.

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.