

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



22

FILE: [REDACTED]
MSC-02-246-62839

Office: LOS ANGELES

Date: OCT 15 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 read "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 Los Angeles District Office and that decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

In his Notice of Intent to Deny, the acting director of the National Benefits Center indicated that Service records indicated that the applicant was inadmissible to the United States under Section 212(a) of the Immigration and Nationality Act (Act) as she had been previously removed. It is noted that the record indicates that this applicant was apprehended and subsequently removed from the United States pursuant to section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act on March 25, 1999. At that time she was removed for a period of twenty (20) years. In saying this, the director did advise the applicant that she was eligible to apply for a waiver. He went on to say that, should such a waiver be granted, it would not cure the break in continuous unlawful residence that may have resulted from the departure caused by the removal. The record indicates that the applicant has applied for such a waiver. In a second Notice of Intent to Deny issued by the director of the Los Angeles District Office, the director stated that the applicant failed to establish by a preponderance of the evidence that she resided continuously in the United States for the duration of the requisite period as 8 C.F.R. § 245a.12(e) requires applicants to do. The director granted the applicant thirty (30) days within which to submit additional evidence in support of her application. However, as she did not submit additional evidence in response to the director's NOID, the director found she did not overcome her grounds for denial as stated in her NOID and denied the application.

On appeal, the applicant states that she believes that previously submitted evidence was sufficient to establish that she resided continuously in the United States for the duration of the requisite period. She goes on to indicate that she will submit a brief and/or further evidence to the AAO within thirty (30) days. It is noted here that the Service received the applicant's Form I-290B on which she stated she would submit additional evidence on January 18, 2007. As of October 3, 2007 the Service has not received additional evidence.

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.