



U.S. Citizenship  
and Immigration  
Services

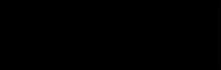
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FILE:



Office: SAN ANTONIO, TX

Date:

SEP 12 2007

MSC-02-360-60282

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, San Antonio, TX, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

In his decision, the district director noted 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.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 director stated that on April 30, 2004 the applicant was asked by the Service to provide evidence in support of her claim to have resided continuously in the United States between 1981 and 1988. The director notes that he received affidavits from the applicant. However, in his decision he states that when it attempted to contact the affiants to verify information in the affidavits, the Service was unable to verify that information. Further, the director notes that during her interview with a CIS officer, the applicant testified that she was absent from the United States more than once during the requisite period, as she left the United States on October 4, 1987 until November 6, 1987 to visit her future father-in-law who had suffered a stroke and then also got married in India on December 14, 1987. The director goes on to say that because the applicant indicated that she was absent on two occasions during the requisite period, she did not establish, by a preponderance of the evidence, that she maintained continuous residence in the United States during the requisite period. Therefore, the director denied the application.

On appeal, the applicant's attorney submits a Form I-290B on which he states that the director erred in concluding that the documents submitted by the applicant are insufficient, noting that twenty (20) years had passed since the applicant's entry and further stating that affidavits should be sufficient to establish the applicant's continuous residence for the duration of the requisite period. No additional evidence or briefs were submitted with the applicant's Form I-290B.

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 she 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.