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U.S. Citizenship  
and Immigration  
Services

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FILE:

MSC 02 136 60480

Office: NEW YORK

Date:

**APR 02 2008**

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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

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.

The district director denied the application because the applicant failed to demonstrate that she entered the United States before January 1, 1982, and resided in a continuous unlawful status through May 4, 1988. Specifically, the director noted that the applicant was not forthcoming regarding her absence from the United States in 1987, and that the affidavits she submitted were either not relevant, not credible, or contradictory to her testimony. The director further questioned the authenticity of certain documents the applicant submitted into evidence.

On appeal, the applicant asserts that she will submit additional proof to verify her residence and employment in the United States since December 1981. The applicant submitted four declarations in support of her application. None of the declarations corroborate the applicant's claim that she entered the United States before January 1, 1982. None of the declarations corroborate the applicant's claim of continuous residence in an unlawful status in the United States from before January 1, 1982, through May 4, 1988.

The applicant also contends that any discrepancies in the record are the result of her immigration consultant's failure to submit correct information. Any appeal or motion based upon a claim of ineffective assistance of counsel requires: (1) that the claim be supported by an affidavit of the allegedly aggrieved respondent setting forth in detail the agreement that was entered into with counsel with respect to the actions to be taken and what representations counsel did or did not make to the respondent in this regard, (2) that counsel whose integrity or competence is being impugned be informed of the allegations leveled against him and be given an opportunity to respond, and (3) that the appeal or motion reflect whether a complaint has been filed with appropriate disciplinary authorities with respect to any violation of counsel's ethical or legal responsibilities, and if not, why not. *Matter of Lozada*, 19 I&N Dec. 637 (BIA 1988), *aff'd*, 857 F.2d 10 (1st Cir. 1988). The record does not include any of the above documentation. Therefore, the applicant's claim of ineffective assistance of counsel is unsupported.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

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

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