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U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

Office: NEW YORK

Date: **APR 15 2008**

MSC 01 331 60519

IN RE: Applicant:

[REDACTED]

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:

[REDACTED]

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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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 in New York City. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be summarily dismissed.

The director denied the application on the ground that the applicant failed to establish that he resided in the United States in a continuous unlawful status from before January 1, 1982 through May 4, 1988, and was continuously physically present in the United States from November 6, 1986 through May 4, 1988, as required under section 1104(c)(2)(B)(i) and (C)(i) of the LIFE Act.

The applicant, a native of Ghana, filed his current application for permanent resident status under the LIFE Act (Form I-485) on August 27, 2001. In a Notice of Intent to Deny (NOID), dated June 20, 2006, the director cited documentation in the record that appeared to contradict the applicant's claim of continuous residence in the United States during the requisite time period. For example on a Form G-325A, Biographic Information, he filed in conjunction with an earlier Form I-485 in October 1995, the applicant stated that he had a post office address in Kumali, Ghana, from January 1980 to June 1989. In addition, on that earlier Form I-485 the applicant stated that two of his children (neither of whom was acknowledged on his current Form I-485) were born in Ghana on October 31, 1984 and May 16, 1986, respectively. The director indicated that the foregoing information cast doubt on the veracity of the applicant's claim to have taken up residence in the United States before January 1, 1982, to have maintained continuous residence in an unlawful status through May 4, 1988, and to have been continuously physically present in the country from November 6, 1986 through May 4, 1988. The applicant was granted 30 days to submit additional evidence to explain these discrepancies and otherwise establish his eligibility for legalization under the LIFE Act.

The applicant did not respond to the NOID. On August 22, 2006, therefore, the director denied the application for the reasons stated in the NOID.

On appeal counsel asserts that the documentation and oral testimony presented by the applicant "was sufficient to warrant a favorable exercise of discretion," that the director's decision was "arbitrary and not supported by the facts and circumstances," and that the "applicant's testimony was detailed, consistent and believable."

The record refutes counsel's contentions, since two specific evidentiary discrepancies cited by the director in the NOID were not addressed by the applicant either in a response to the NOID or on appeal. Neither counsel nor the applicant has addressed the director's analysis of the evidence in the NOID. On the appeal form (Form I-290B) counsel indicated that no legal brief or additional evidence would be submitted.

As provided 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 shows that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not addressed the specific bases for denial, and has not presented additional evidence. In accordance with 8 C.F.R. § 103.3(a)(3)(iv), therefore, the appeal will be summarily dismissed.

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