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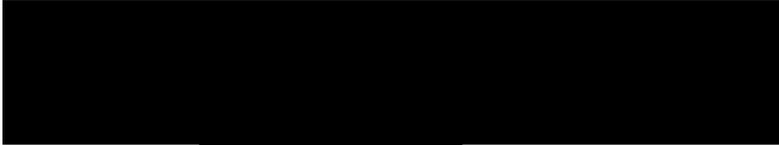
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



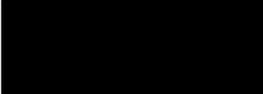
U.S. Citizenship
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FILE:



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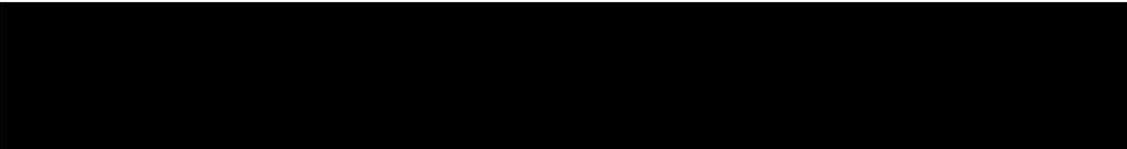
IN RE:

Applicant:



PETITION: 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 PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

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, Tampa, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

An applicant for permanent resident status under section 1104 of the LIFE Act has the burden to establish by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States and is otherwise eligible for adjustment of status under this section. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. 8 C.F.R. § 245a.12(e).

The applicant provided conflicting testimony and insufficient documentation, and despite a Notice of Intent to Deny (NOID) the application, which afforded the applicant 30 days in which to submit credible evidence to show that he had continuously resided in the United States during between January 1, 1982 and May 4, 1988, the applicant failed to overcome the basis for the director's objections. Specifically, the director found that the record indicated that the applicant was absent from the United States for more than 45 days during the qualifying period; namely, from October 1981 to at least March 1982. The director noted that the record contained documentation, such as a stamp in the applicant's passport noting his arrival in Heathrow Airport on October 18, 1981, and an airmail envelope addressed to the former Immigration and Naturalization Service, showing the applicant's name and return address in Northampton, U.K., on February 25, 1982. The director also noted that a second extensive absence during the relevant period, from January 1988 through March 1997, as verified by the applicant's U.K. employer during this period, further rendered him ineligible to adjust to permanent resident status.

On appeal, the applicant¹ submits Form I-290B on which he states:

The Service continuously, and erroneously raises my absence from the country during the period January 1988 to March 1997 as the basis of my denial for adjustment. Despite Applicants insistence that his application is to be adjudged to IRCA standards under section 245 (a)(2)(A), rather than section 1104 of the LIFE Act, as per the final rules. [INS No. 2115-01; AG Order No. 2588-2002] RIN 1115-AG06.

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's general statement on the Form I-290B, without specifically identifying any errors on the part of the director, is simply insufficient to overcome the well-founded and logical conclusions the director reached based on the evidence submitted by the applicant. Although the applicant indicates on Form I-290B that he would forward a brief and/or evidence to the AAO within 30 days, no additional documentation has been received as of the date of this decision.

¹ Although the Form I-290B was filed by the applicant, the office notes that according to a previously-filed entry of appearance, [REDACTED] represents the applicant. Since no withdrawal of counsel's appearance on behalf of the applicant is in the record, the office will presume that counsel is still representing the interests of the applicant in this matter, and will therefore forward notice of the decision on appeal to both counsel and the applicant. See 8 C.F.R. § 292.5(a).

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.