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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE:



MSC 02 228 62789

Office: NEW YORK

Date:

FEB 21 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:

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.

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 City. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be 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, as required under section 1104(c)(2)(B)(i) of the LIFE Act.

On appeal the applicant asserts that his application is being denied on a technicality, and requests that it be reconsidered and approved. However, the applicant failed to specifically address the director's analysis of the evidence, and did not furnish any additional evidence.

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 presented additional evidence. Nor has he specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.¹

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

¹ The record reflects that the applicant was arrested by the Los Angeles Police Department on July 11, 1990, and charged with disorderly conduct / soliciting a lewd act – a misdemeanor offense under section 647(a) of the California Penal Code, punishable by up to one year in prison. On November 2, 1990, the applicant was convicted of this charge in the Municipal Court of West Los Angeles. A single misdemeanor conviction does not render the applicant ineligible for LIFE legalization under 8 C.F.R. § 245a.11(d)(1) and 8 C.F.R. § 245a.18(a).