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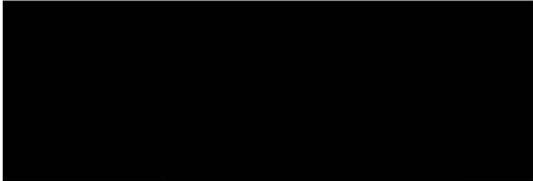
U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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MSC 02 220 61413

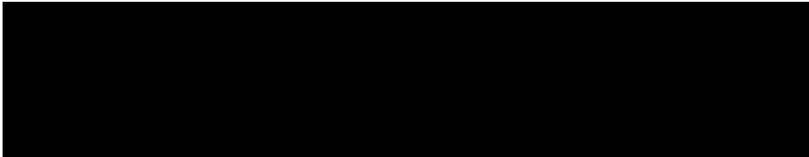
Office: DALLAS

Date: JAN 11 2008

IN RE: Applicant: [REDACTED]

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 submitted insufficient evidence to credibly document his continuous residence in an unlawful status and his continuous presence in the United States during the relevant period. Specifically, the district director found that the evidence submitted in support of the application was insufficient to establish that he had entered the United States prior to January 1, 1982 and continuously resided in the United States in an unlawful status through May 4, 1988. The director focused on numerous unresolved discrepancies in the record, and consequently issued a Notice of Intent to Deny (NOID) the application on August 29, 2003. Despite being afforded an opportunity to clarify these inconsistencies with independent evidence, the applicant's response failed to overcome the deficiencies noted by the director. The application was subsequently denied on October 4, 2004.

On appeal, counsel for the applicant submits Form I-290B on which he states:

The finding is erroneous in fact and law. The respondent [sic] did provide credible evidence in support of his Adjustment Application under LIFE Act. The supporting documentation requested was to prove over 20 years ago, the contacts and his continued residence records which for the most part are difficult to obtain from the sources. A separate memorandum of law along with the Respondent's affidavit and supporting documentation/evidence will be submitted to the AAU within thirty (90) [sic] days of this Request for an Appeal.

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 indicated that it would submit a brief and additional evidence within ninety days, no additional documentation was submitted.¹

The applicant has failed to address the reasons stated for denial and has not provided any additional evidence on appeal. Merely alleging that the decision was erroneous in fact and in law, without specifically addressing the director's basis for the denial, is simply insufficient to overcome the well-founded conclusions of the director. It is noted by the AAO that the inconsistencies cited by the director in the NOID and the denial

¹ On December 5, 2007, the AAO sent a facsimile transmission to counsel. Counsel was advised that no additional documentation was contained in the file, and requested verification that a brief had been filed and that counsel forward a copy of the brief and supplemental evidence, if any, for review. In a letter dated December 11, 2007, counsel indicated that a brief had not been filed, and asserted that the documentation submitted prior to adjudication was sufficient to warrant a finding of eligibility.

remain unresolved, and counsel's brief statement on Form I-290B does not provide clarification or offer new evidence. The appeal must therefore be summarily dismissed.

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