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U.S. Citizenship  
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Services

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[REDACTED]

L2

FILE: [REDACTED]  
MSC 02 228 60891

Office: CHICAGO Date:

**JAN 24 2008**

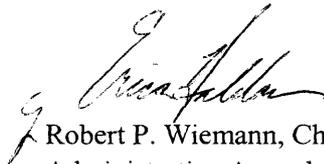
IN RE: Applicant: [REDACTED]

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: SELF-REPRESENTED

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, Chicago, 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 noted that in support of the application, several affidavits were submitted. Noting that some of the affidavits and letters were deemed unverifiable due the inability of Citizenship and Immigration Services (CIS) to locate the affiants, the director focused on a letter from the owner of [REDACTED] the applicant's alleged employer from 1981 to 1988. The director noted that upon contacting the owner to verify the statements set forth in the November 3, 1992, the owner claimed he could not confirm that the applicant worked there during the claimed dates nor could he identify the applicant.

Consequently, the district director issued a Notice of Intent to Deny (NOID) the application on May 24, 2005. The NOID pointed out the deficiencies and inconsistencies in the evidence, and 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. In response, the applicant submitted three unnotarized statements, one of which was from [REDACTED], the manager of [REDACTED] during the applicant's alleged employment. This statement, dated June 12, 2005, claims that the applicant worked there off and on from 1981 to 1988. Upon review, the director noted that this statement bore the same signature as the signatory of the November 3, 1992 letter who, when contacted by CIS, was unable to verify the employment and/or identity of the applicant. The director concluded that the these inconsistencies, coupled with the unverifiable statements submitted, was insufficient to satisfy the applicant's burden of proof in these proceedings. Consequently, the application was denied on September 12, 2005.

On appeal, the applicant submits Form I-290B on which he states, "I am submitting additional/up to dated [sic] evidence with this form to prove my presence in the United States from 1981 to 1988." The AAO notes that in support of the appeal, one statement dated September 24, 2005 by [REDACTED] is submitted. [REDACTED] claims to be the current owner of [REDACTED], and claims that [REDACTED], the signatory on the September 3, 1992 letter and June 12, 2005 statement, was the manager of the pizzeria from 1974 to 2003. [REDACTED] claims that [REDACTED] operated the business for his father, [REDACTED] Mr. [REDACTED] continues by submitting the same language previously set forth in the [REDACTED] statement regarding the applicant's employment from 1981 to 1988. No attempt to explain why [REDACTED] was unable to verify the employment and identity of the applicant when contacted by CIS was submitted.

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 statement on Form I-290B fails to specifically identify any errors on the part of the director and 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 submits one general statement in support of the appeal, it is noted that the documents is not notarized, provides identical statements to those submitted prior to adjudication and deemed to have no probative value, and further are provided by a person who does not appear to have had first-hand knowledge of the applicant's alleged employment with [REDACTED]. The statement submitted on appeal, in addition to the previously-submitted statements of [REDACTED] fails to confirm whether the information provided was taken from company records, and omits the applicant's address during his alleged employment with the company.

The applicant has failed to address the reasons stated for denial and has not provided sufficient evidence on appeal to overcome the basis for the director's denial. The appeal must therefore be summarily dismissed.

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