

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

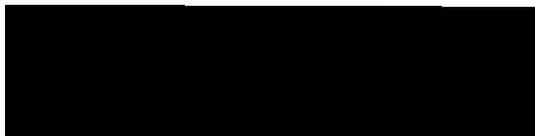
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

L2



FILE: [REDACTED] Office: NEW YORK Date: JUL 10 2008
MSC 03-252-62473

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:



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.

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

The applicant submitted a Form I-485, Application to Register Permanent Resident or Adjust Status, on June 9, 2003. On August 25, 2007, the director denied the application after determining that the applicant had failed to establish that he had satisfied the residence requirement under section 1104(c)(2)(B) of the LIFE Act. The director noted that the applicant had failed to respond to the Notice of Intent to Deny (NOID) dated July 10, 2007, and that therefore, the application was being denied based upon the reasons stated in the NOID.

The director noted in the NOID that the single affidavit submitted by the applicant was neither credible nor amenable to verification. The director indicated that there was no evidence on the part of the affiant of his direct personal knowledge of the events and circumstances surrounding the applicant's residency. The director further noted that the applicant's statements made during his immigration interview and on his immigration application forms were inconsistent with his claim of continuous unlawful residence in the United States since before January 1, 1982. The director noted the contradictions with respect to the applicant's claimed absences from the United States. The director also noted that the applicant submitted copies of his Senegalaise National Identification Cards issued to him in Senegal on September 3, 1985 and June 23, 1987, which dates are in direct conflict with his claim of continuous unlawful residence. The director determined that the record of proceeding contained multiple inconsistencies, discrepancies, and contradictions concerning the applicant's residence, physical presence, and absence from the United States, and that therefore, he had failed to establish his residence in the United States during the requisite period.

On the applicant's Form I-290B, Notice of Appeal to the AAO, filed on September 27, 2007, counsel asserts that the documentation submitted along with the applicant's testimony is sufficient to establish his eligibility for the benefit sought, and that additional documents would be surplusage. The applicant did not allege any legal or factual error in the director's decision and did not address the many inconsistencies found in the record of proceeding. As of the date of this decision, no additional evidence has been submitted, and the record will be deemed complete.

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.

A review of the director's decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence to overcome the director's decision. Nor has he specifically addressed 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.