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U.S. Citizenship  
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FILE: [REDACTED] Office: NEW YORK Date: JUL 10 2008  
MSC 03-182-61825

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: SELF-REPRESENTED

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.

A handwritten signature in black ink, appearing to read "D. Wiemann", with a long horizontal stroke extending to the right.

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 appears to be represented; however, the record does not contain Form G-28, Notice of Entry of Appearance as Attorney or Representative. Therefore, the applicant shall be considered as self-represented and the decision will be furnished only to the applicant.

The applicant submitted a Form I-485, Application to Register Permanent Resident or Adjust Status, on March 31, 2003. On September 10, 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 29, 2007, and therefore, the application was being denied based upon the reasons stated in the NOID. The director further noted that the applicant stated under oath during his interview with immigration officers on June 23, 2004 that he first entered the United States on February 29, 1987. The director also noted that the evidence submitted by the applicant contradicted his statement, and therefore, was insufficient to establish his residence in the United States during the requisite period.

On his Form I-290B, Notice of Appeal to the AAO, filed on September 27, 2007, the applicant stated that he has been in the United States since 1981 and that he has submitted all the evidence that he has in his possession. The applicant submitted affidavits from [REDACTED], [REDACTED], and [REDACTED] who state that they have known the applicant in the United States since 1987 and 1981 respectively. The affidavit submitted by [REDACTED] is inconsistent with the statements made by the applicant under oath during his immigration interview. The affiants [REDACTED] and [REDACTED] do not indicate how and where they met the applicant nor do they provide any information that would indicate personal knowledge of the applicant's whereabouts or the circumstances of his residency throughout the requisite period. It is also noted that the applicant did not allege any legal or factual error in the director's decision.

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 evidence sufficient to overcome the director's decision. Nor has he specifically addressed the basis for denial. The appeal must therefore be summarily dismissed.

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