

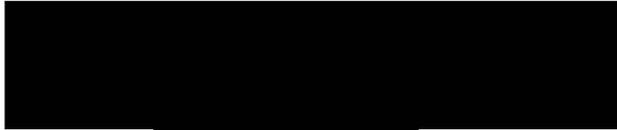
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U.S. Citizenship
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FILE: [REDACTED] Office: NEW YORK Date: **JUL 24 2008**
MSC 02-245-61671

IN RE: Applicant: [REDACTED]

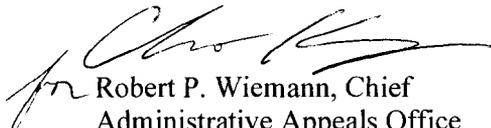
APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the
Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat.
2762 (2000), *amended by* LIFE Act Amendments, Pub. L. 106-554, 114 Stat.
2763 (2000).

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.


for 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 2, 2002. On September 1, 2007, the director denied the application after determining that the applicant had failed to establish by a preponderance of the evidence that he had satisfied the residence requirement under section 1104(c)(2)(B) of the LIFE Act. The director determined that the supporting affidavits submitted by the applicant were not credible, in part, because they were not all amenable to verification.

On the applicant's Form I-290B, Notice of Appeal to the AAO, filed on September 26, 2007, counsel asserts that there is no proof that an attempt was made to contact the affiants to verify their information. However, the applicant bears the burden of proof in these proceedings to establish his eligibility. 8 C.F.R. § 245a.12(e). There has been no further evidence submitted on appeal. Counsel does not allege any legal or factual error in the director's decision sufficient to overcome the grounds for denial.

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 sufficient to overcome the director's denial, and he has not 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.