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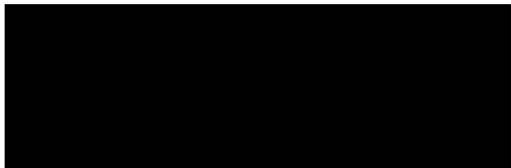
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



**U.S. Citizenship
and Immigration
Services**

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FILE:



Office: NEW YORK

Date: JUL 28 2008

MSC-02-185-60754

IN RE: Applicant:



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.

Robert P. Wiemann
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, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The district director denied the application because the applicant failed to demonstrate that she resided in a continuous unlawful status in the United States beginning prior to January 1, 1982 through May 4, 1988.

On appeal, the applicant submits a timely Form I-290B, Notice of Appeal and a statement. On the Form I-290B, the applicant states that she first entered the United States in "March 1981" and not on March 16, 1983 as previously stated in the record of proceeding and during her interview. The applicant explains that the previous date was due to a friend of the family's misunderstanding of the "prevailing criteria." In her sworn statement on appeal, the applicant states that she "is submitting herewith an affidavit from one woman who reared me from my first entrance into the United States as her own daughter."¹ The applicant did not submit any affidavit on appeal or any new evidence of her continuous unlawful status in the United States from January 1, 1982 to May 4, 1988. Also, the enclosures listed in the applicant's sworn statement do not include any witness statements. As of this date, the AAO has not received any additional evidence from the applicant. Therefore, the record is complete.

Section 1104(c)(2)(B) of the LIFE Act states:

(i) In General – The alien must establish that the alien entered the United States before January 1, 1982, and that he or she has resided continuously in the United States in an unlawful status since such date and through May 4, 1988. In determining whether an alien maintained continuous unlawful residence in the United States for purposes of this subparagraph, the regulations prescribed by the Attorney General under section 245A(g) of the Immigration and Nationality Act (INA) that were most recently in effect before the date of the enactment of this Act shall apply.

An applicant for permanent resident status under section 1104 of the LIFE Act has the burden of establishing 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).

In the Notice of Intent to Deny (NOID), the director stated that the applicant failed to submit evidence demonstrating her continuous unlawful residence in the United States for the required

¹ The AAO notes that, if the applicant is referring to the March 2007 affidavit from Farida Yesmin that had previously been submitted into the record and mentioned in the director's decision, the applicant's reference to it in her sworn statement on appeal does not state a basis for appeal.

statutory period. The director granted the applicant thirty (30) days to submit additional evidence. In the Notice of Decision, the director denied the instant application based on the reasons stated in the NOID. The director specifically noted that the affidavit submitted in response to the NOID was insufficient to resolve the inconsistencies in the record of proceeding.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented any new evidence. The applicant fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the application. As the applicant presents no additional evidence on appeal to overcome the decision of the director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(3)(iv).

Based on the above, the applicant has failed to establish entry into the United States prior to January 1, 1982, and continuous unlawful residence through May 4, 1988, as required under Section 1104(c)(2)(B) of the LIFE Act. Given this, he is ineligible for permanent resident status under Section 1104 of the LIFE Act. Accordingly, the appeal must be summarily dismissed.

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