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**U.S. Citizenship  
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Services**

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[REDACTED]

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FILE: [REDACTED]  
MSC 02 197 63828

Office: DALLAS Date:

**JUL 30 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:

[REDACTED]

**INSTRUCTIONS:**

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, 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.

  
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, Dallas, 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 her continuous residence in an unlawful status and her continuous presence in the United States during the relevant period. Specifically, the district director found that the evidence submitted in support of the application suggested that the applicant maintained a residence in Mexico during the requisite period, and therefore it appeared that she was not continuously residing in the United States since before January 1, 1982 through May 4, 1988. Consequently, the district director issued a Notice of Intent to Deny (NOID) the application on September 21, 2005, and afforded the applicant 30 days in which to submit credible evidence to show that she had continuously resided in the United States during between January 1, 1982 and May 4, 1988. The applicant's response was insufficient to overcome the director's objections, and consequently the application was denied on December 12, 2006.

On appeal, counsel for the applicant submits Form I-290B on which he states, "The District Director misconstrued pertinent evidence and law and failed to consider other pertinent evidence in the determination to deny adjustment of status."

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 general statement on the Form I-290B, without specifically identifying any errors on the part of the director, is simply insufficient to overcome the well-founded and logical conclusions the director reached based on the evidence submitted by the applicant. Although counsel indicated on Form I-290B that he would submit a brief and/or additional evidence to the AAO within 30 days, to date there is no indication or evidence that a brief and/or evidence in support of the appeal was ever filed with the Service or with the AAO.<sup>1</sup> As stated above, absent a clear statement, brief and/or evidence to the contrary, counsel for the applicant does not identify, specifically, an erroneous conclusion of law or statement of fact. Hence, the appeal must be summarily dismissed. *See* 8 C.F.R. § 103.3(a)(1)(v).

The applicant has failed to address the reasons stated for denial and has not provided any additional evidence on appeal. Despite providing a brief statement on Form I-290B, counsel does not address the

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<sup>1</sup> On July 9, 2008, the AAO sent a fax to counsel. The fax advised counsel that no evidence or brief had been received in this matter and requested that he submit a copy of the brief and/or additional evidence, if in fact such evidence had been submitted, within five business days. As of the date of this decision, the AAO has received no response from counsel or the applicant.

specific points raised by the director in the denial, such as the deficiency of the affidavits or the documentation proving that the applicant maintained a residence in Mexico prior to February 1988, contrary to her claims in the application.

Regulations at 8 C.F.R. § 103.3(a)(1)(v) state, in pertinent part:

An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

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