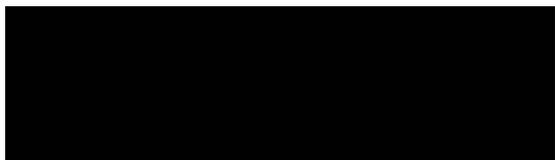


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FILE:

MSC 02 353 60168

Office: PROVIDENCE

Date: JUN 11 2008

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. Wieman, 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 (director) in Providence, Rhode Island. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be summarily dismissed.

The director denied the application on the grounds that the applicant failed to establish that he resided continuously in the United States in an unlawful status from before January 1, 1982 through May 4, 1988, and was continuously physically present in the United States from November 6, 1986 through May 4, 1988, as required under section 1104(c)(2)(B)(i) and (C)(i) of the LIFE Act.

The applicant, a native of Gambia who claims to have lived in the United States since December 1981, filed his application for permanent resident status under the LIFE Act (Form I-485) on September 18, 2002.

In a Notice of Intent to Deny (NOID), dated August 30, 2006, the director cited interview testimony and documentation in the record that contradicted and/or failed to support the applicant's claim of continuous residence and physical presence in the United States during the requisite time periods. After discussing these materials in detail, the director indicated that the applicant had failed to demonstrate his continuous residence and physical presence in the United States during the requisite time periods for LIFE legalization. The applicant was granted 30 days to respond with additional documentation or information to explain the evidentiary discrepancies and rebut the adverse information.

The applicant responded on September 27, 2006, with a two-page affidavit addressing the various items discussed by the director in the NOID. No further evidence was submitted.

On November 21, 2006, the director denied the application. The director discussed particular elements of the applicant's oral testimony and documentary evidence that lacked credibility, and noted that no additional documentation had been submitted in response to the NOID. The director concluded that the applicant had failed to establish his continuous residence in the United States from before January 1, 1982 through May 4, 1988, and his continuous physical presence in the United States from November 6, 1986 through May 4, 1988, as required to be eligible for permanent resident status under the LIFE Act.¹

The applicant filed a timely appeal (Form I-290B), asserting that the director "reached an incorrect conclusion . . . because [he] put too much emphasis on some minor inconsistencies in my testimony." According to the applicant, "[i]f all the evidence and written explanations . . . are considered as a whole," they show that he was continuously resident and physically present in the United States during the time periods for LIFE legalization. The applicant requests that the record be reviewed and the director's decision be reconsidered.

¹ On November 21, 2006, the director also denied an application for temporary resident status (Form I-687) which the applicant had filed on August 1, 1991. The applicant did not appeal that decision.

As provided 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 confirms that the director accurately set forth a legitimate basis for denial of the application. In response to the director's broad-ranging discussion of the evidence, the applicant's appeal rests on minimizing the acknowledged inconsistencies in his testimony, objecting in general terms to the director's conclusion, and requesting that the record be reviewed. The applicant has not addressed the director's analysis of the evidence, or his findings, in any detail. The applicant has not cited any specific error(s) by the director, and has not presented any additional evidence. In short, the applicant has not set forth a legal or factual basis for the appeal.

The AAO determines that the applicant has failed to state the reason for appeal, as required under 8 C.F.R. § 103.3(a)(3)(iv). In accordance with the regulation, therefore, the appeal will be summarily dismissed.

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