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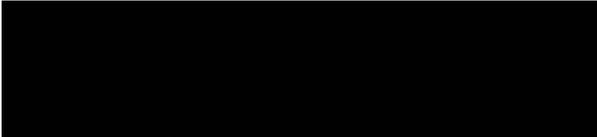
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U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

L2



FILE:

MSC 02 241 63145

Office: ATLANTA

Date: JUN 18 2008

IN RE:

Applicant:



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:



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, Atlanta, Georgia, 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 his continuous residence in an unlawful status and his continuous presence in the United States during the relevant period. Specifically, the district director found that the evidence submitted in support of the application was insufficient to establish that he had entered the United States prior to January 1, 1982 and continuously resided in the United States in an unlawful status through May 4, 1988. In addition, the director concluded that he had failed to document his continuous physical presence in the United States from November 6, 1986, to May 4, 1988.

On January 27, 2005, the district director issued a request that the applicant submit evidence in support of his application, and afforded the applicant 30 days in which to respond. The record reflects that the applicant failed to respond to the district director's request. The director found that the applicant had failed to overcome the basis for the denial, and a formal denial was issued on November 4, 2005.

On appeal, the applicant submits Form I-290B, Notice of Appeal, on which states that it is unfair to deny his application even though he was physically present in the United States before May 4, 1988.

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 district director, is insufficient to overcome the well-founded and logical conclusions the district director reached based on the evidence submitted by the applicant. Although the applicant requested more time to submit additional evidence, as of the date of this decision, no further documentation has been submitted.

The applicant has failed to address the reasons stated for denial and has not provided any additional evidence on appeal. The appeal must therefore be summarily dismissed.

It is noted that as a result of being fingerprinted in connection with his application, Citizenship and Immigration Services (CIS) received a report from the Federal Bureau of Investigation (FBI) indicating that the applicant has been charged with the following offenses: (1) on March 11, 1995, in Newnan, Georgia, of "DUI" and "FOLLOWING TOO CLOSELY," and (2) on May 2, 1997 in Adairsville, Georgia, of "CHILD MOLESTATION." In any future proceedings before CIS, the applicant must submit evidence of the final court dispositions of these and any other charges against him.

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