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U.S. Citizenship
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Services

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FILE:

MSC 02 248 63242

Office: NEW YORK Date:

MAY 19 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, New York, 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 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. Consequently, the district director issued a Notice of Intent to Deny (NOID) the application, 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 and maintained continuous physical presence in the United States between November 6, 1986 through May 4, 1988. The applicant's response failed to overcome the director's basis for the denial, and consequently the application was denied on March 15, 2006.

On appeal, counsel for the applicant submits Form I-290B on which he states:

Documentation and testimony presented in this case were sufficient to warrant a favorable exercise of discretion.

The decision of the District Director is arbitrary and not supported by the facts and circumstances of this case.

No additional assertions are presented, and no documentary evidence was submitted.

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. For example, the director noted that the numerous letters and affidavits included in the record were insufficient to satisfy the applicant's burden of proving her continuous physical presence, and she was afforded the opportunity to supplement the record with additional documentation. Although she did so, the residential lease and accompanying rent receipts were deemed insufficient by the director, specifically because the lease was not signed, and the alleged rent receipts encompassed a period pertaining only to 1981 and 1982, and thus were not a consistent representation of the applicant's continuous unlawful residence and physical presence throughout the entire period. Counsel makes no attempt to address the director's conclusions, nor does he submit new evidence to supplement the record or overcome the director's findings.

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.

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