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FILE: [REDACTED]  
MSC 02 204 65456

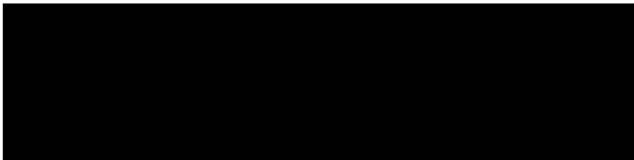
Office: NEW YORK Date:

MAY 30 2008

IN RE: Applicant: [REDACTED]

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:



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.

  
for 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, New York, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The district director denied the application because the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status since before January 1, 1982, through May 4, 1988.

On appeal, counsel does not address the basis for the denial of the application or provide any evidence to overcome the director's findings. Counsel asserts that neither the applicant nor his former counsel received the Notice of Intent to Deny dated July 11, 2005.

It must be noted that the record reflects that the Notice of Intent to Deny dated July 11, 2005, was sent to the applicant and his former counsel at their addresses of record via certified mail. The record contains a postal return receipt which was signed by counsel on July 14, 2005, acknowledging receipt of the notice. The notice to the applicant was returned by the post office as unclaimed. The notice was sent to the same address maintained by the applicant on appeal. The applicant's failure to receive said notice was not due to Service error as the notice was properly served on the applicant in compliance with 8 C.F.R. § 103.5a(a)(iv).

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 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.