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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE:

MSC 02 028 60083

Office: CHICAGO

Date: NOV 28 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:

SEFL-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.

A handwritten signature in black ink, appearing to read "John F. Grissom".

John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Chicago, Illinois, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to demonstrate that he entered the United States before January 1, 1982, and resided in a continuous unlawful status from then through May 4, 1988.

On appeal, the applicant submits a brief statement.

To be eligible for adjustment to permanent resident status under the LIFE Act applicants must establish his or her continuous unlawful residence in the United States from before January 1, 1982 through May 4, 1988, and their continuous physical presence in the United States from November 6, 1986 through May 4, 1988. *See* section 1104(c)(2)(B)(i) and (C)(i) of the LIFE Act, 8 U.S.C. § 245A(a)(2)(A) and (3)(A).

The applicant filed a Form I-485, Application to Register Permanent Resident or Adjust Status, on October 28, 2001. The director issued a Notice of Intent to Deny (NOID) the application on April 16, 2006. The director noted that the documentation submitted by the applicant in support of his application established his presence in the United States beyond 1990, but was insufficient to establish his continuous unlawful presence in the United States during the requisite time period – from prior to January 1, 1982, through May 4, 1988. The director afforded the applicant 30 days in which to submit additional evidence. In response, the applicant submitted additional documentation.

The director denied the application on July 26, 2006, because the additional documentation submitted by the applicant was, for the most part unverifiable. The director explained the deficiencies in the documentation and concluded that the applicant was not eligible for adjustment of status under the LIFE Act.

On appeal, the applicant states that he has “been here in the United States part of my life,” and had provided “all the evidence that I had to establish the claim.” He also requested an additional 30 days to submit more evidence. To date, no additional evidence has been received; therefore, the record is considered complete.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. The applicant’s general statement on appeal, without specifically identifying any errors on the part of the district director, is insufficient to overcome the well-founded and logical conclusions the director reached based on the evidence submitted by the applicant.

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

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

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