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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: [REDACTED]
MSC-01-293-60398

Office: NEW YORK

Date: OCT 22 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.


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 director of the New York office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to establish by a preponderance of the evidence that he resided in the United States in an unlawful status from before January 1, 1982 through May 4, 1988. The director indicated in a Notice of Intent to Deny (NOID) that the applicant had stated that he was absent from the United States from 1984 to 1987. Counsel for the applicant responded to the NOID in a written statement dated September 17, 2007. The director's decision noted that counsel had responded to the NOID, but that the applicant had failed to provide new credible evidence to demonstrate his eligibility for permanent resident status. The record indicates that, in a sworn statement dated May 2, 1996, the applicant stated that he was absent from the United States from 1984 to 1987.

On appeal, counsel provides a statement that is identical to his response to the NOID, except that it is dated October 15, 2007. The applicant provided no additional evidence or explanation to overcome the reasons for denial of his application.

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.

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence. Nor has he addressed the grounds stated for denial. Specifically, the applicant has failed to provide information and documentation to explain and overcome his prior statement indicating that he is ineligible for permanent resident status. The appeal must therefore be summarily dismissed.

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