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U.S. Department of Homeland Security
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U.S. Citizenship
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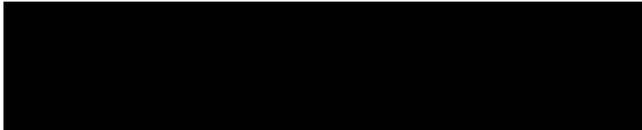
OCT 22 2008

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:



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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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, New York, 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 filed a Form I-485, Application to Register Permanent Resident or Adjust Status, on December 21, 2001. The director denied the application on September 22, 2006, 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, counsel submits a letter asserting that the district director's arguments to deny the application are baseless.¹ In support of the appeal, counsel resubmits an affidavit from one of the applicant's acquaintances, [REDACTED] previously provided in response to a Notice of Intent to Deny (NOID) the application, that was considered by the director in her decision to deny the application.²

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. Counsel'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 district director reached based on the evidence submitted by the applicant. Although counsel requested 30 days in which to submit brief and/or additional evidence, as of the date of this decision, no further documentation has been submitted.

¹ At the time of filing the appeal, counsel indicated that he needed 30 days in which to submit a brief and/or additional evidence in support of the appeal. Counsel was contacted by the AAO on September 25, 2008, advising him that no additional evidence had been received. Counsel responded on that same date, that the indication that additional evidence would be forthcoming was an office error and that a brief was filed with the appeal. Therefore, the record is considered complete.

² [REDACTED] attested that he had personal knowledge that the applicant had lived in the United States since 1981. His affidavit was not accompanied by any evidence that he actually resided in the United States during the relevant period and was vague as to how he dated his acquaintance with the applicant, how often and under what circumstances they had contact, and lacked details that would lend credibility to his alleged 25-year relationship with the applicant. As such, the statement could be afforded minimal weight as evidence of the applicant's residence and presence in the United States throughout the requisite period.

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.